NON- COMPLIANCE OF CONDITIONS OF REGISTRATION CERTIFICATE HEARING BRIEF					
S. No.	Particular	Details			
1.	Registration certificate no.	771/503/2023/115			
2.	Date of Registration	11.12.2023			
3.	Date of expiry of validity of registration	31.12.2025			
4.	Name of promoter	M/s Celestial Estate Pvt. Ltd.			
5.	Name of project	Iconic			
6.	Area of project	3.409 Acres			
7.	Nature of project	Commercial Colony			
8.	Location of project	Sector-71, Gurugram			
9.	Suo-motu complaint no.	RERA-GRG-3284-2024			
10.	Status of compliance done by the promoter				
	Conditions	Compliance due date	Date of approval obtained on	Whether compliance done within time frame	
	BIP permission/ Transfer of license/ COD as applicable within 3 months	11.03.2024	-	Not submitted	
	Fire scheme approval within 4 months	11.04.2024	15.05.2024	Delay of 34 days	
	Approved service plans and estimates within 6 months	11.06.2024	06.08.2024	Delay of 56 days	
11.	Details of refundable security submitted by the promoter				
	Name of the bank	No. And date of refundable security	Amount	Submitted for	
	-	-	-	-	
	Security amount is not submitted by the promoter.				
12.	File status	Date			
	First show cause notice sent on	08.07.2024			
	First hearing on	08.08.2024			

	Second hearing on	23.08.2024
	Third hearing on	16.09.2024
	Fourth hearing on	28.10.2024
	Fifth hearing on	28.04.2025
	Sixth hearing on	02.06.2025
	Seventh hearing on	23.06.2025

13. Case history

1. An application for registration of the above real estate project under section 4 of the Real Estate (Regulation and Development) Act, 2016 was submitted to the Authority by **M/s Celestial Estate Pvt. Ltd.** and after due consideration, the said real estate project was conditionally registered with the Haryana Real Estate Regulatory Authority Gurugram.
2. As per (G)(iii) of the registration certificate no. 115 of 2023 dated 11.12.2023, the promoter shall submit two BG/DD amounting to RS. 25 lakhs each as a security amount towards submission of Fire Scheme Approval and Approved Service Plans and Estimates, respectively. These DD/BG shall be forfeited in case the respective conditions are not fulfilled by the promoter within the stipulated time period mentioned in the conditions.
3. Since the promoter failed to deposit the requisite security amount and comply with the conditions mentioned in the registration certificate within the prescribed time, the Authority issued a show- cause notice dated 08.07.2024 for revocation of registration certificate with an opportunity of hearing on 08.08.2024.
4. The promoter submitted a reply dated 07.08.2024, gist of which is as follows:
5. The DGTCP in its order dated 20.06.2023 observed "that you shall deposit the Administrative charges on account of change in beneficial interest within 60 days of HRERA registration" and the promoter has submitted a sum of Rs. 2,89,76,500/- with DTCP on 25.04.2024 through RTGS. As per the discussion with DTCP, the condition of license renewal stands complied and no further action at the end of DTCP is required.
6. The application to fire department for approval of fire scheme was made on 27.02.2023. However, due to technical reasons, it was not processed, therefore, the promoter again applied for the same on 28.03.2024. The same was approved on 15.05.2024 and was submitted to the Authority on 17.05.2024.
7. The reply that the application for approval of service plans and estimates was made to HSVP which was approved and sent to DTCP on 27.03.2024. the copy of the same was submitted to the Authority on 08.05.2024. After various follow ups and delay due to change and its subsequent approval in SOP, the DTCP could only

provide its approval on 06.08.2024 which is submitted in the Authority on 07.08.2024.

8. Corporate Insolvency Resolution Process was initiated by the Hon'ble NCLT against M/s Celestial Estate Pvt. Ltd. vide order dated 23.07.2019. to revive the company, M/s HS Oberoi Buildtech Pvt. Ltd. filed a resolution plan, which was approved by the Committee of Creditors on 16.11.2019, and thereafter confirmed/ approved by the Hon'ble NCLT New Delhi Bench III vide order dated 15.03.2021
9. The DTCP granted the renewal of the license on 20.06.2023, and soon thereafter, application was filed before this Hon'ble Authority, and the Hon'ble Authority was pleased to grant registration vide order dated 11.12.2023.
10. The conditions w.r.t obtaining the necessary certification/ approvals/ deposition of fees etc., as imposed by this authority has been complied with and necessary approvals has been obtained.
11. The company and its management have highest regard for the directions of this Hon'ble Authority, and the lapses pointed out in the notice under reply, as submitted herein above the same were neither intentional nor deliberate but occurred due to above mentioned reason, which were beyond the control of the company and its management for grant of all approvals and certification and has obtained the same.
12. The said conditions were imposed with a view that the necessary approvals are obtained for the benefit of the project and its 400+ allottees which has been complied with.
13. The promoter requested the Authority to condone the delay in complying with the conditions.
14. **Proceedings dated 08.08.2024:** Ar. Neeraj Gautam (Associate Architectural Executive) briefed the facts of the case.

Sh. Manveer Singh (AR) appeared on behalf of the promoter and stated that they have obtained the approval of fire scheme and service plans and estimates from the concerned department and submitted the same in the Authority. The AR further states that The DGTCP in its order dated 20.06.2023 observed "that you shall deposit the Administrative charges on account of change in beneficial interest within 60 days of HRERA registration" and the promoter has submitted a sum of Rs. 2,89,76,500/- with DTCP on 25.04.2024 through RTGS. As per the discussion with DTCP, the condition of license renewal stands complied and no further action at the end of DTCP is required.

The AR of the promoter requests the Authority to condone the delay in complying with the conditions. The promoter is directed to deposit the security amount as mentioned in the conditions of the registration certificate within a period of two weeks. In view of the peculiar circumstances of the case, the matter may be placed before the full bench on 23.08.2024 for further directions.

15. **Proceedings dated 23.08.2024:** Ar. Neeraj Gautam (Associate Architectural Executive) briefed the facts of the case. Sh. Karan Gupta (Advocate) and Sh. Manish Singh (AR) appeared on behalf of the promoter.

Since the promoter has failed to comply with the RC conditions with respect to the deposit of BG as per clause G(iii) and the condition at para 3 that if the above conditions are not fulfilled/ compliance are not made by the promoter, the Authority may take necessary action against the promoter including revoking the registration granted therein, the registration issued vide no. RC/REP/HARERA/GGM/771/503/2023/115 dated 11.12.2023 is hereby suspended and the promoter is given one final opportunity to comply with the conditions of registration within 15 days failing which registration is liable to be revoked.

The matter to come up on 16.09.2024. On 16.09.2024, the matter was adjourned to 28.10.2024.

16. The promoter submitted a representation dated 01.10.2024, the gist of which is as follows:

(i) The project "Iconic" was launched by M/s Earth Infrastructure Ltd. (EIL) in the year 2011 on the land and license of M/s Celestial Estate Pvt. Ltd. (a subsidiary of EIL). The development and marketing of the project were undertaken by EIL, and the units were promoter and sold on assured return basis.

(ii) From 2011 to 2015, a significant number of individuals who invested in the project did so because they believe the assured returns are more attractive and better investment opportunity as compared to FD with banks.

(iii) The promoters/ Directors of the EIL after making the assured returns payments for a while, abruptly stopped paying them, all the construction at the project was subsequently halted. Thereafter, following complaints from certain unit buyers, an FIR was registered against the Directors/ promoters of EIL, and they were arrested by the EOW.

(iv) As the erstwhile management failed to provide both the assured returns and possession of the booked units to the allottees, the allottees formed an association and initiated Corporate Insolvency Resolution Process (CIRP) by filing an application before the Hon'ble NCLT against M/s Celestial Estate Pvt. Ltd. (thereafter referred to as company)

(v) In an effort to revive the company and provide relief to the allottees who have been deprived of their units despite making substantial payments, M/s H S Oberoi Buildtech Pvt. Ltd. filed a resolution plan before the committee of creditors comprising of home buyers. Over 400 allottees filed their claims during CIRP. The resolution stipulated that M/s H S Oberoi Buildtech Pvt. Ltd. Would deliver possession of the units to the allottees

without charging any increased costs after completing the construction of the stalled project within timeline of 4 months for necessary formalities and 24 months for construction.

(vi) The resolution plan was duly approved by the committee of creditors on 16.11.2019 by 100% voting in favor of resolution plan and subsequently the same was approved by the Hon'ble NCLT, New Delhi vide order dated 15.03.2021.

(vii) M/s H S Oberoi Buildtech Pvt. Ltd. sought various concessions and reliefs for the company in their resolution plan, all of which were granted by Hon'ble NCLT upon approval of the resolution plan. Notably, one of the key concessions was that the company would not be required to pay any past dues and penalties in relation to the government authorities including the DTCP and this Authority. The DTCP initially did not grant the renewal of license and insisted on payment of past dues but ultimately agreed to grant the renewal of license upon payment of 11.78 crores under applicable policies.

(viii) After depositing the above 11.78 crores contributed by the home buyers in proportion to their holdings, as this amount was outside the scope of the resolution plan. The DTCP granted the renewal of license no. 20.06.2023.

(ix) After obtaining the license from DTCP, where full EDC/IDC was paid, an application was filed before Authority for registration. The Authority granted registration vide order dated 11.12.2023, however, a penalty of Rs. 42,24,935/- was imposed for delay in registration, despite the fact that Hon'ble NCLT had granted waivers and reliefs from payment of past dues and penalties. Following conditions were imposed while granting the registration:

(a) The promoter shall submit BIP permission/ Transfer of license/ COD as applicable within 3 months

(b) The promoter shall submit Fire scheme approval within 4 months

(c) The promoter shall submit Approved service plans and estimates within 6 months

(d) The promoter shall submit the bank guarantee of Rs. 25 lakhs each as a security for complying with the conditions

(x) The Authority vide order dated 23.08.2024, has acknowledged that the conditions for which 2 bank guarantees were required to be submitted as a security have been complied.

(xi) Subsequently, this Authority issued show cause notice dated 08.07.2024, cautioning that the registration is liable to be cancelled for breach of conditions set forth in the registration order. A detailed reply to the notice was submitted explaining the reasons for delay.

(xii) At the request of the homebuyers to not burden them with extra payments, and instead do the task set by the Authority, we were unable to comply with the 4th condition, specifically providing the bank guarantee to the Authority.

(xiii) That there was no intentional or deliberate delay in obtaining necessary approvals.

(xiv) That as per approved resolution plan by NCLT and following registration from this Authority, all claimants are required to pay 70% of the total cost of their units and the company anticipated demand would be Rs. 59.86 crores. However, upon raising this demand, the claimants began filing objections. Only 187 BBA's have been executed and registered out of total 491 claimed units.

(xv) Claimants who booked with EIL don't respond to the company to avoid payments.

(xvi) In the meantime, monitoring committee has noted that the association of home buyers is insisting that construction work should not slacken, as any delay could undermine the confidence of the allottees who have paid their 70% to the company.

(xvii) The company has so far invested 32 crores in the construction of the project in addition to BG of Rs. 5 crores as per the Hon'ble NCLT order.

17. The promoter again requested to take a sympathetic view and modify the condition regarding the deposit of bank guarantee as fire NOC, service plans & estimates and change of beneficiary for which the guarantee was required have been complied with.

18. **Proceedings dated 28.10.2024:** Ar. Neeraj Gautam (Associate Architectural Executive) briefed the facts of the case. Sh. Manveer Singh (AR) appeared on behalf of the promoter and requests the Authority to revoke the suspension of the registration certificate and waiver off the submission of bank guarantees required to be submitted on account of timely submission of approved service plans & estimates and approved fire scheme. The AR of the promoter further states that the as per the condition of renewal of license, the promoter was required to pay the administrative charges on account of change of BIP within 60 days of HARERA registration and accordingly, the promoter has submitted a sum of Rs. 2,89,76,500/- with DTCP on 25.04.2024 through RTGS. As per the discussion with DTCP, the condition of license renewal stands complied and no further action at the end of DTCP is required.

The AR of the promoter further states that the project "Iconic" was launched by M/s Earth Infrastructure Ltd. (EIL) in the year 2011 on the land and license of M/s Celestial Estate Pvt. Ltd. The development and marketing of the project were undertaken by EIL, and the units were promoter and sold on assured return basis. As the erstwhile management failed to provide both the assured returns and

possession of the booked units to the allottees, the allottees formed an association and initiated Corporate Insolvency Resolution Process (CIRP) by filing an application before the Hon'ble NCLT against M/s Celestial Estate Pvt. Ltd. In an effort to revive the company and provide relief to the allottees who have been deprived of their units despite making substantial payments, M/s H S Oberoi Buildtech Pvt. Ltd. filed a resolution plan before the committee of creditors comprising of home buyers. There was no intentional or deliberate delay in obtaining necessary approvals.

As per approved resolution plan by NCLT and following registration from this Authority, all claimants are required to pay 70% of the total cost of their units and the company anticipated demand would be Rs. 59.86 crores. However, upon raising this demand, the claimants began filing objections. Only 187 BBA's have been executed and registered out of total 491 claimed units.

It is noted by the Authority that RC no. 115 of 2023 was granted conditionally subject to the submission of BIP/Transfer of license/ COD within three months, approvals of fire scheme and service plans & estimates within 4 months and security amount of Rs. 25 lakhs each on account of timely submission of approved fire scheme and approved service plans and estimates in the Authority. The promoter has submitted the approvals of service plans & estimates and fire scheme with a delay of 56 and 34 days, respectively. No security amount has been submitted by the promoter.

As per the renewal of license, the promoter was required to pay administrative charges on account of BIP for which the promoter has paid Rs. 2,89,76,500/- with DTCP on 25.04.2024 through RTGS and provided the details to this Authority.

Keeping in view the above, the promoter is directed to submit the security amount of Rs. 25 lakhs each on account of timely submission of approved fire scheme and approved service plans & estimates, which is liable to be forfeited, at the time of completion of the project. The matter shall be reviewed after six months on 28.04.2025.

19. On 28.04.2025, the matter was adjourned to 02.06.2025. On 02.06.2025, the matter was again adjourned to 23.06.2025.

20. **Proceedings dated 23.06.2025:** Ar. Neeraj Gautam (Associate Architectural Executive) briefed the facts of the case.

Sh. Manveer Singh (AR) and Sh. Manish Singh (AR) are present on behalf of the promoter and stated that the development/construction on the project site is in full swing.

The concerned AAE is directed to visit the project site and submit the report.

The matter to come up for review on 25.08.2025.

21. Accordingly, the site of the project has been visited and the status of development is as below:

(i) Details of the project as per building plan approval dated 24.04.2012:

S. No.	Particular	Detail
1.	Total Site area	13795.71 sqm (3.409 acres)
2.	Ground cover	5518.284 sqm (1.363 acres)
3.	FAR	1.75
4.	No. of floors	G+ 10
5.	Basements	2

(ii) At the time of site visit, it is noted that the building is constructed till G+ 12 floors, however, as per the sanctioned plans submitted by the promoter at the time of registration, G+10 Floors have been approved.

(iii) Status of construction/ development works on site:

S. No.	Particular	Detail
Substructure		
1.	Excavation/ Foundation	Completed
2.	Basement (2 levels)	Completed
Completion		100%
Superstructure		
3.	Total no. of floors	G+12
4.	RCC Structure	Completed
5.	Overhead tanks	In progress (90-95%)
6.	Partition walls	Completed
7.	Lift wells/ Lobbies	Completed
Competition		90-95%
MEP		
8.	Mechanical works	In progress (55-60%)
9.	Electrical Works	In progress (55-60%)
10.	Plumbing Works	In progress (55-60%)
Completion		55-60%
Internal Finishes		
11.	Flooring	In progress (15-20%)
12.	Staircase Railing	Completed
13.	Staircase finishing	In progress (15-20%)
14.	Doors/ Windows	In progress (35-40%)
15.	Sanitary Installation	In progress (5-10%)
Completion		20-25%
External finishes		
16.	External Glazing	Completed

17.	External Paint Finish	In progress (70%)
External Development		
18.	External development	In progress (10-15%)

(iv) It is further noted that currently the site is accessible through the 3.35 m Revenue Rasta connecting to service road of 60 m wide road. 24 m wide road connecting the site is not yet developed.

(Ar. Neeraj Gautam)
Associate Architectural Executive

Day and date of hearing	Monday and 25.08.2025
Proceeding recorded by	Ram Niwas

Ar. Neeraj Gautam (Associate Architectural Executive) briefed the facts of the case.
Sh. Madhur Panwar (AR), Sh. Manish Singh (AR) and Sh. Arun Kumar (Advocate) are present on behalf of the promoter.
The promoter is directed to submit the details of expenditure incurred on the project and the expenditure to be incurred on the project duly certified by a Chartered Accountant.
Further, the comparative status of development/ construction works of the project as compared with the status of development/ construction works already completed at the time of revival of the project through NCLT shall be submitted by the promoter.
The matter to come up for review on 29.12.2025.

(Ashok Sangwan)
Member, HARERA

(Vijay Kumar Goyal)
Member, HARERA

(Arun Kumar)
Chairman, HARERA