NON- COMPLIANCE OF CONDITIONS OF REGISTRATION CERTIFICATE HEARING BRIEF

S. No.	Particular	Details
1.	Registration certificate no.	757/489/2023/101
2.	Date of Registration	06.11.2023
3.	Date of expiry of validity of registration	31.07.2028
4.	Name of promoter	M/s Conscient Infrastructure Pvt. Ltd.
5.	Name of project	Elevate Reserve
6.	Area of project	4.84375 Acres
7.	Nature of project	Mixed Land Use
8.	Location of project	Sector-62, Gurugram
9.	Suo-motu complaint no.	RERA-GRG-3140-2024
10.	Status of compliance done by the promoter	

Conditions	Compliance due date	Date of approval obtained on	Whether compliance done within time frame
Environmental clearance within 6 months	06.05.2024	18.07.2024	Delay of 73 days
Approved service plans & estimates within 4 months	06.03.2024	03.02.2024	Within time
Fire scheme approval within 4 months	06.03.2024	10.01.2024	Within time

11.	Details of refundable security submitted by the promoter			
	Name of the bank	No. And date of refundable security	Amount	Submitted for
	ICICI Bank	DD No. 520442 dated 02.11.2023	25 lacs	Environmental clearance
	ICICI Bank	DD No. 520443 dated 02.11.2023	25 lacs	Approved service plans and estimates
	ICICI Bank	DD No. 520444 dated 02.11.2023	25 lacs	Approved fire scheme

12.	File status	Date
	First show cause notice sent on	01.07.2024

	First hearing on	18.07.2024 (Case disposed off)
13.	**Case history**	

Whereas 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 Conscient Infrastructure Pvt. Ltd. and after due consideration, the said real estate project was conditionally registered with the Haryana Real Estate Regulatory Authority, Gurugram.

The promoter has obtained the approvals of service plans & estimates and fire scheme within the stipulated time period and accordingly, the security amount submitted in lieu of the same was refunded to the promoter.

Since the promoter failed to submit the environmental clearance within the prescribed time, the Authority issued a show- cause notice dated 01.07.2024 for forfeiture of security amount with an opportunity of hearing on 18.07.2024.

The promoter submitted a reply with respect to the notice dated 01.07.2024 stating that they have obtained the approvals of fire scheme and service plans and estimates on 10.01.2024 and 03.02.2024, respectively which is within the stipulated time.

The promoter further stated that they were required to obtain the Environmental Clearance within 6 months from date for registration for which the company sent a letter dated 02.05.2024 to the Authority requesting the extension of 4 months for submission of environmental clearance and submitted an application to the relevant department regarding the same. The SEAC reviewed and recommended the approval to SEIAA during their 278th meeting on 13.10.2023. due to unforeseen administrative challenges, specifically the unavailability of Hon'ble Chairman at SEIAA, the final approval has been delayed.

The promoter requested not to forfeit the amount deposited as security for procuring environmental clearance and to grant reasonable time to submit the same.

Proceeding dated 18.07.2024

Sh. S.K. Kaushik (AR) appeared on behalf of the promoter and states that they have received the Environmental Clearance vide identification no. EC24C3801HR5179988N dated 18.07.2024.

The AR of the promoter further states that they were required to obtain the environmental clearance within 6 months from date for registration for which the company sent a letter dated 02.05.2024 to the Authority requesting the extension of 4 months for submission of environmental clearance and submitted an application to the relevant department regarding the same. The SEAC reviewed and recommended the approval to SEIAA during their 278th meeting on

13.10.2023. Due to unforeseen administrative challenges, specifically the unavailability of Hon'ble Chairman at SEIAA, the final approval has been delayed.

The AR of the promoter further requests not to forfeit the amount deposited as security for procuring environmental clearance as the same has been obtained now.

However, it is not disputed that the promoter was granted conditional registration at its own accord and depositing of security amount in the form of bank guarantee in lieu of submission of the requisite clearances within the time specified in the conditional registration. It was clearly mentioned in the registration certificate that these bank guarantees shall be forfeited in case the conditions are not fulfilled by the promoter within the stipulated time period mentioned in the conditions.

Keeping in view the fact that the environmental clearance has been obtained with a delay of 73 days, the security amount submitted on account of timely submission of environmental clearance maybe forfieted.

Since the promoter has now complied with the conditions mentioned in the registration certificate, the case may be filed.

Hon'ble Chairman may kindly see before issuance of the orders.

In view of the above, detailed order was issued and signed by Secretary of the Authority. The promoter filed an appeal no. 622 of 2024 against the said order wherein the Hon'ble HREAT has passed an order dated 05.12.2025. The Hon'ble HREAT has remitted the matter to the Authority for decision afresh after affording opportunity of hearing.

Accordingly, the matter is now again listed before the Authority on 02.02.2026.

On 02.02.2026, Sh. S.K. Kaushik (AR) and Ms. Deepali Saigal (AR) appeared on behalf of the promoter and stated that the grant of Environmental Clearance (hereinafter referred to as 'EC') was delayed due to reasons beyond the control of the promoter and in this regard, a detailed reply stating the facts of the case was filed on 29.01.2026. Arguments were heard at length and order was reserved.

The promoter has made written submissions dated 29.01.2026, the gist of which is as follows:

(i) The promoter had applied for EC in 03.08.2023. Thereafter, the RERA registration was sought for the project and obtained vide RERA no. 101 of 2023 dated 06.11.2023.

(ii) As per the condition G9II0 of the RERA registration certificate, "*the promoter shall submit the environmental clearance within 6 months from the date of issuance of the registration certificate.*" For this, the company submitted a dd of Rs. 25 lakhs as a security for compliance of the said condition.

	(iii) The case was laid down before SEIAA, for the grant of Environment Clearance. But the said case was considered by SEAC, Haryana and after seeking certain clarifications vide meeting held on 13.10.2023 recommended SEIAA for grant of EC. (iv) Thereafter SEIAA referred the case back to SEAC citing some errors in the basic details submitted by the promoter in the documents. After which the corrections were made by the promoter and the SEAC Haryana in its meeting held on 24.11.2023 recommended grant of EC to SEIAA, Haryana. (v) Due to the absence of the Chaiman SEIAA the case was further transferred to the Ministry for further processing. On 08.03.2024 the ministry approved the grant of EC for the said project. The said is also mentioned in the MOM dated 04.04.2024 of the MOEF. (vi) However, shortly after the grant of EC, on 17.03.2024 a letter was received citing imposition of code of conduct due to General Elections 2024. Thereafter, for waiting for more than a month on 02.05.2024 we had sent a letter to RERA informing the grant of the EC by the MOEF and reason for delay in receiving the final certificate and thereafter requested Authority to extend the timelines for submitting the final EC permission. (vii) Thereafter, the promoter had written letter dated 28.05.2024 and an email dated 21.06.2024 to the MOEF citing the difficulties due to delay in receiving the final EC letter and requested them to issue the final certificate. (viii) Finally, on 18.07.2024 the promoter received the final certificate of EC and the same was submitted before the authority on 19.07.2024. As per the direction of the Authority, the matter is listed again on 09.06.2026 (after adjournment from 08.06.2026). The detailed order has been prepared and annexed herewith. **(Ar. Neeraj Gautam)** **Associate Architectural Executive**
Day and date of hearing	Tuesday and 09.06.2026
Ar. Neeraj Gautam (Associate Architectural Executive) briefed the facts of the case. Sh. Naveen Vashisht appeared on behalf of the promoter and requested to condone the delay and refund the security amount deposited on account of the timely submission of environmental clearance. Order Pronounced. From the facts submitted by the promoter, it is evident that the Respondent-Promoter had initiated the process for obtaining Environmental Clearance on 03.08.2023, which was prior to the application as well as grant of project registration by this Authority. Further, the proposal for Environmental Clearance was under continuous consideration before the concerned authorities and the Respondent-Promoter had duly	

complied with the queries raised by SEAC and had actively followed up the matter with the competent authorities.

It is also observed that the delay in grant of Environmental Clearance occurred due to circumstances not attributable to the Promoter, inter alia including absence of the Chairman of SEIAA, Haryana leading to transfer of the proposal to the Ministry, and the imposition of the Code of Conduct during the General Elections, 2024 which resulted in limitations on issuance of approvals.

In view of the above circumstances, the Authority is of the considered opinion that the Promoter had acted with due diligence and bona fide intention in pursuing the grant of Environmental Clearance and the delay in obtaining the same cannot be attributed to any deliberate lapse or negligence on the part of the Promoter.

Accordingly, taking a lenient view in the matter and considering the bona fide conduct of the Promoter, the Authority directs that the security amount of Rs. 25,00,000/- (Rupees Twenty-Five Lakhs only) deposited by the Promoter towards ensuring timely submission of the Environmental Clearance is liable to be released/refunded to the Promoter.

The concerned branch of the Authority is directed to process and release the aforesaid amount to the Promoter in accordance with the applicable rules and procedures.

The matter stands disposed of accordingly. Detailed order shall follow.

(Arun Kumar)
Chairman, HARERA

HARERA
GURUGRAM

BEFORE THE HARYANA REAL ESTATE REGULATORY AUTHORITY, GURUGRAM

Registration No.	**GGM/757/489/2023/101 dated 06.11.2023**
Name of promoter	**M/s Conscient Infrastructure Pvt. Ltd.**
Name of project	**Elevate Reserve**
Location of project	**Sector-62, Gurugram**
Suo Moto No.	**RERA-GRG-3140-2023**
Date of decision	**09.06.2026**

ORDER

1. Whereas an application for registration of the real estate project namely 'Elevate Reserve' situated at Sector 62, Gurugram (hereinafter referred to as 'the subject Project') under section 4 of the Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as 'the Act') was submitted to the Authority by M/s Conscient Infrastructure Pvt. Ltd. (hereinafter referred to as 'the Promoter') and after due consideration, the subject project was conditionally registered with the Haryana Real Estate Regulatory Authority, Gururam (hereinafter referred to as 'the Authority') with the following details:

S. No.	Particulars	Details
1.	Registration No.	757/489/2023/101
2.	Date of Registration	06.11.2023
3.	Date of expiry of validity of registration	31.07.2028
4.	Name of promoter	M/s Conscient Infrastructure Pvt. Ltd.
5.	Name of project	Elevate Reserve

6.	Area of project	4.84375 Acres
7.	Nature of project	Mixed Land Use
8.	Location of project	Sector-62, Gurugram

2. Whereas on the request of the promoter, the Authority had decided to issue the registration certificate subject to the submission of the following approvals within the stipulated time frame as detailed below:

S. No.	Condition	Compliance due date	Date of approval obtained on
1.	Environmental clearance within 6 months	06.05.2024	18.07.2024 (Delay of 73 days)
2.	Approved service plans & estimates within 4 months	06.03.2024	03.02.2024
3.	Fire scheme approval within 4 months	06.03.2024	10.01.2024

3. At the time of registration, the promoter had requested to issue the conditional registration certificate and assured to comply with the conditions imposed and submitted the following refundable security for timely submission of the pending approvals in respect of the subject project:

DETAILS OF REFUNDABLE SECURITY			
Name of the bank	**No. and date of refundable security**	**Amount**	**Submitted for**
ICICI Bank	DD No. 520442 dated 02.11.2023	25 lacs	Environmental clearance
ICICI Bank	DD No. 520443 dated 02.11.2023	25 lacs	Approved service plans and estimates
ICICI Bank	DD No. 520444 dated 02.11.2023	25 lacs	Approved fire scheme

4. The promoter obtained the approvals of service plans & estimates and fire scheme within the stipulated time period and accordingly, the security amount submitted in lieu of the same were refunded to the promoter.

5. Since the promoter failed to submit the environmental clearance within the prescribed time, the Authority issued a show- cause notice dated 01.07.2024 for forfeiture of security amount with an opportunity of hearing on 18.07.2024.

6. The promoter submitted a reply with respect to the notice dated 01.07.2024 stating that they have obtained the approvals of fire scheme and service plans and estimates on 10.01.2024 and 03.02.2024, respectively which is within the stipulated time. The promoter further stated that they were required to obtain the Environmental Clearance within 6 months from date for registration for which the company sent a letter dated 02.05.2024 to the Authority requesting the extension of 4 months for submission of environmental clearance and submitted an application to the relevant department regarding the same. The SEAC reviewed and recommended the approval to SEIAA during their 278th meeting on 13.10.2023 and due to unforeseen administrative challenges, specifically the unavailability of Hon'ble Chairman at SEIAA, the final approval has been delayed. The promoter requested not to forfeit the amount deposited as security for procuring environmental clearance and to grant reasonable time to submit the same.

7. On 18.07.2024, Sh. S.K. Kaushik (AR) appeared on behalf of the promoter and stated that they have received the Environmental Clearance vide identification no. EC24C3801HR5179988N dated 18.07.2024. The proceedings dated 18.07.2024 is re-iterated below:

> *"Sh. S.K. Kaushik (AR) appeared on behalf of the promoter and states that they have received the Environmental Clearance vide identification no. EC24C3801HR5179988N dated 18.07.2024.*
> *The AR of the promoter further states that they were required to obtain the environmental clearance within 6 months from date for registration for which the company sent a letter dated 02.05.2024 to the Authority requesting the extension of 4 months for submission of environmental clearance and submitted an application to the relevant department regarding the same. The SEAC reviewed and recommended the approval to SEIAA during their 278th meeting on*

13.10.2023. Due to unforeseen administrative challenges, specifically the unavailability of Hon'ble Chairman at SEIAA, the final approval has been delayed.

The AR of the promoter further requests not to forfeit the amount deposited as security for procuring environmental clearance as the same has been obtained now.

However, it is not disputed that the promoter was granted conditional registration at its own accord and depositing of security amount in the form of bank guarantee in lieu of submission of the requisite clearances within the time specified in the conditional registration. It was clearly mentioned in the registration certificate that these bank guarantees shall be forfeited in case the conditions are not fulfilled by the promoter within the stipulated time period mentioned in the conditions.

Keeping in view the fact that the environmental clearance has been obtained with a delay of 73 days, the security amount submitted on account of timely submission of environmental clearance maybe forfieted.

Since the promoter has now complied with the conditions mentioned in the registration certificate, the case may be filed.

Hon'ble Chairman may kindly see before issuance of the orders."

8. In view of the above, detailed order was issued and signed by Secretary of the Authority.

9. Thereafter being aggrieved by the order dated 18.07.2024, the promoter filed an appeal no. 622 of 2024 against the order dated 18.07.2024 passed by the Authority. The said appeal was disposed of by the Hon'ble Appellate Tribunal vide order dated 05.12.2025 whereby Hon'ble Appellate Tribunal had remitted the matter to the Authority for decision afresh after affording opportunity of hearing. The relevant paras of the order dated 05.12.2025 are reproduced below for ready reference:

"...

2. Learned counsel for the appellant has assailed the impugned order on several grounds, primarily contending that forfeiture of the security amount of Rs. 25,00,000/- (Rupees Twenty-Five lakhs only) by the Secretary is arbitrary and unsustainable in law. As per him, there was no wilful default or deliberate non-compliance on the part of the appellant/promoter. He further contends that penalty has been imposed on the promoter on the ground that it could not submit

environmental clearance certificate from State Level Environmental Impact Assessment Authority and State Expert Appraisal Committee in time. This was for the reason that Chairman of State Level Environmental Impact Assessment Authority was not appointed by the Government.

....

11. The justification for forfeiture would vary on case-to-case basis. The decision to forfeit security amount would depend on the nature and extent of default in each case. This practice may not be resorted to where the builder is able to explain the delay in completing the formalities. However, this would necessarily require an opportunity of hearing to be afforded to it before the decision of forfeiture. It is well settled that principles of natural justice are to be read into every statute. Needless to say, such opportunity has to be granted by a duly empowered forum. Such orders cannot be passed by 'any' official of a quasi-judicial body on his ipsi dixit. This casual approach needs to be deprecated. All facts and circumstances of the case and reasons for forfeiture must be contained in the order itself.

12. In view of the observations made above, this Bench deems it fit to remit the matter to the Authority to consider the matter afresh after opportunity of hearing to the parties. It shall pass a fresh order at the earliest, in any case, not later than three months after such opportunity and perusal of the entire record. The Authority shall also be at liberty to examine whether the project is proceeding as per undertaking(s) given at the time of seeking registration. It may also initiate appropriate action in case any violation comes to its notice.

...."

10. In view of the aforesaid order dated 05.12.2025 passed by the Hon'ble Appellate Tribunal, a notice dated 28.01.2026 was sent to the promoter with an opportunity of hearing on 02.02.2026 for hearing afresh the suo-moto case bearing no. 3140-2023.

11. On 02.02.2026, Sh. S.K. Kaushik (AR) and Ms. Deepali Saigal (AR) appeared on behalf of the promoter and stated that the grant of Environmental Clearance (hereinafter referred to as 'EC') was delayed due to reasons beyond the control of the promoter and in this regard, a detailed reply stating the facts of the case was filed on 29.01.2026. Arguments were heard at length and order was reserved.

12. The gist of the written submissions dated 29.01.2026 filed by the Promoter, are as follows:

(i) The promoter had applied for EC on 03.08.2023. Thereafter, the RERA registration was sought for the project and obtained vide RERA no. 101 of 2023 dated 06.11.2023.

(ii) As per the condition G(ii) of the RERA registration certificate, "*the promoter shall submit the environmental clearance within 6 months from the date of issuance of the registration certificate.*" For this, the company submitted a DD of Rs. 25 lakhs in favour of the Authority as a security for compliance with the said condition.

(iii) The case was laid down before State Level Environment Impact Assessment Authority (hereinafter referred to as 'SEIAA, Haryana') for the grant of Environment Clearance. But the said case was considered by the State Level Expert Appraisal Committee, Haryana (hereinafter referred to as 'SEAC, Haryana') and after seeking certain clarifications vide meeting held on 13.10.2023 recommended SEIAA for grant of EC.

(iv) Thereafter SEIAA referred the case back to SEAC citing some errors in the basic details submitted by the promoter in the documents. After which the corrections were made by the promoter and the SEAC Haryana in its meeting held on 24.11.2023 recommended grant of EC to SEIAA, Haryana.

(v) Due to the absence of the Chaiman, SEIAA, the case was further transferred to the Ministry for further processing. On 08.03.2024 the ministry approved the grant of EC for the said project and the said is also mentioned in the MOM dated 04.04.2024 of the MOEF.

(vi) However, shortly thereafter, on 17.03.2024, a letter was received citing imposition of code of conduct due to General Elections 2024. Thereafter, for waiting for more than a month on 02.05.2024 the promoter sent a letter

to RERA informing the grant of the EC by the MOEF and reason for delay in receiving the final certificate and thereafter requested Authority to extend the timelines for submitting the final EC permission.

(vii) Thereafter, the promoter had written letter dated 28.05.2024 and an email dated 21.06.2024 to the MOEF citing the difficulties due to delay in receiving the final EC letter and requested them to issue the final certificate.

(viii) Finally, on 18.07.2024 the promoter received the final certificate of EC and the same was submitted before the authority on 19.07.2024.

Findings of the Authority

13. On perusal of the record of the Authority and the documents placed on record by the Promoter, the following facts emerge:

(i) Registration Certificate No. 101 of 2023 was granted to the Promoter, M/s Conscient Infrastructure Pvt. Ltd., on 06.11.2023 with a condition to submit the Environmental Clearance (EC) within six months. Accordingly, the due date for submission of the Environmental Clearance before the Authority was 06.05.2024.

(ii) It is observed from the record that the Promoter had applied for grant of Environmental Clearance to SEIAA, Haryana vide proposal dated 03.08.2023, which is even prior to the grant of registration by the Authority.

(iii) The proposal for grant of Environmental Clearance was considered by SEAC, Haryana in its meeting held on 07.09.2023, wherein certain clarifications were sought. The Promoter submitted the requisite clarifications and the proposal was reconsidered by SEAC in its 278th Meeting held on 13.10.2023, whereafter the same was recommended to SEIAA, Haryana for grant of Environmental Clearance. However, during the 169th Meeting of SEIAA held on 10.11.2023, certain discrepancies in the basic project details were observed and the matter was referred back to SEAC. Subsequently, SEAC reconsidered the matter in its meeting dated 24.11.2023 and again recommended the proposal for grant of Environmental Clearance to SEIAA.

Thereafter, due to the absence of the Chairman of SEIAA, Haryana, the proposal was transferred to the Ministry for further processing.

(iv) Thereafter, the proposal for grant of Environmental Clearance was considered by Expert Appraisal Committee (Infra- 2) in its 122nd meeting dated 08.03.2024 and the above-mentioned proposal was accepted by the Ministry of Environment Clearance.

(v) It is further noted that shortly thereafter, a communication dated 17.03.2024 was issued citing imposition of the Model Code of Conduct due to the General Elections, 2024.

(vi) A letter dated 28.05.2024 as well as email dated 21.06.2024 was also sent by the Promoter to the Ministry citing difficulties faced due to delay in receiving the final EC and requesting them to issue the final certificate.

(vii) Finally, based on the recommendations of EAC, the Ministry of Environment, Forest and Climate Change granted Environmental Clearance for the project on **18.07.2024**.

14. From the aforesaid facts, it is evident that the Promoter had initiated the process for obtaining Environmental Clearance on 03.08.2023, which was prior to the application as well as grant of project registration by this Authority. The record further reveals that the proposal for Environmental Clearance was under continuous consideration before the concerned authorities and the Promoter had duly complied with the queries raised by SEAC and had actively followed up the matter with the competent authorities.

15. It is also observed that the delay in grant of Environmental Clearance occurred due to circumstances not attributable to the Promoter, inter alia including absence of the Chairman of SEIAA, Haryana leading to transfer of the proposal to the Ministry, and the imposition of the Code of Conduct during the General Elections, 2024 which resulted in limitations on issuance of approvals.

16. In view of the above circumstances, the Authority is of the considered opinion that the Promoter had acted with due diligence and bona fide intention in pursuing the grant of Environmental Clearance and the delay in obtaining the same cannot be attributed to any deliberate lapse or negligence on the part of the Promoter.

17. Accordingly, taking a lenient view in the matter and considering the bona fide conduct of the Promoter, the Authority directs that the security amount of Rs. 25,00,000/- (Rupees Twenty-Five Lakhs only) deposited by the Promoter towards ensuring timely submission of the Environmental Clearance is liable to be released/refunded to the Promoter.

Decision of the Authority

18. In view of the foregoing discussion and the circumstances explained above, Authority hereby directs that the security amount of Rs. 25,00,000/- (Rupees Twenty-Five Lakhs only) deposited by the Promoter for ensuring timely submission of the Environmental Clearance shall be released/refunded to the Promoter.
19. The concerned branch of the Authority is directed to process and release the aforesaid amount to the Promoter in accordance with the applicable rules and procedures.
20. The matter stands disposed of accordingly.
21. File be consigned to the record.

Date: 09.06.2026

(Arun Kumar)
Chairman
Haryana Real Estate Regulatory Authority,
Gurugram