



BEFORE THE HARYANA REAL ESTATE REGULATORY AUTHORITY, GURUGRAM

Suo Motu complaint No.	RERA-GRG-2651-2022
Registration No.	21 Of 2018 dated 02.02.2018
Name of promoter	M/s Sai Aaina Farms Pvt. Ltd. (now known as Mahira Infratech Pvt. Ltd.)
Name of project	Mahira Homes 68
Location of project	Sector 68, Gurugram
Date of order	11.03.2024

ORDER

- The Director of Town & Country Planning, Haryana (DTCP) granted license no. 106 of 2017 dated 22.12.2017 under the Haryana Development and Regulation of Urban Areas Act, 1975 & Haryana rules 1976 made thereunder for setting up of an affordable group housing colony over an area measuring 9.96875 acres in the revenue estate of village Badshahpur, Sector-68, Gurugram Manesar Urban Complex to the following entities:
 - Mohan Investment & Properties Pvt. Ltd.
 - Dal Chand S/o Chattar Singh alis Chatar Singh
 - Smt. Shakuntla, Laxmi D/o Chattar Singh alis Chatar Singh
 - Ranjit Mahender alis, Manohar Ss/o Kirori
 in collaboration with **M/s Sai Aaina Farms Pvt. Ltd.** (now known as Mahira Infratech Pvt. Ltd.), 72, E- Space, United Nirvana Country, Sector- 50, Gurugram-122002
- The aforesaid license is granted for a period of five years and is valid upto 21.12.2022
- In pursuance to the above license, the promoter company i.e., M/s Sai Aaina Farms Pvt. Ltd. made an application for registration of the real estate project under Section 4 of the Real Estate (Regulation and Development) Act, 2016 (henceforth called Act of 2016) to the Authority and after due consideration,

the project was conditionally registered with the Interim RERA, Panchkula with the following details:

S. No.	Particulars	Details
1.	Registration No.	21 of 2018
2.	Date of registration	02.02.2018
3.	Expiry of registration	21.12.2022
4.	Name of promoter	M/s Sai Aaina Farms Pvt. Ltd. (Now known as Mahira Infratech Pvt. Ltd.)
5.	Name of project	Mahira Homes 68
6.	Area of project	9.96875 acres
7.	Nature of project	Affordable Group Housing Colony
8.	Location of project	Sector 68, Gurugram

4. The above registration was valid upto 21.12.2022 as per the declaration filed by the applicant promoter under provisions of section 4(2)(I)(C) of the Act, 2016. The Haryana Real Estate Regulatory Authority, Gurugram (hereafter referred to as the Authority) vide notification no. 9/3-2020 dated 26.05.2020 has granted general extension of six months in lieu of COVID-19 for the projects whose validity was falling after 25.03.2020 and hence the registration validity got extended up to 20.06.2023.
5. However, the Director Town & Country Planning vide its order dated 09.05.2022 cancelled the license no. 106 of 2017 dated 22.12.2017 on account of committed grave violations by the developer company regarding the approach to the licensed land, forged and fabricated bank guarantees and also forged signatures on collaboration agreement, SPA and GPA submitted at the grant of license.
6. Further, the Director Town & Country Planning vide its memo no. LC-3298/2022/12395 dated 09.05.2022 requested the Authority to freeze the



- account of the company, wherein 70% amount collected from the allottees is deposited and to cancel the registration of the project with immediate effect.
7. Accordingly, the Authority vide its order dated 10.05.2022 directed the Punjab National Bank and IndusInd Bank to freeze the accounts related to the project operational in their bank branches.
 8. The Authority further issued a show cause notice dated 10.05.2022 for revocation of registration no. 21 of 2018 dated 02.02.2018 with an opportunity of hearing on 10.06.2022.
 9. The site of the project was inspected by the officials of the Authority on 17.05.2022 and a report thereof was submitted wherein the progress of the work was reported to be very slow. The work progress of pocket I (Tower A,B,C,D,E,F,G) was reported to be 65-70% and that of pocket II (Tower H,J,K,L,M,N) was reported to be 10-15 %.
 10. Keeping in view the reasons recorded above, the Authority took suo motu cognizance and vide its notice dated 28.05.2022 (received by the promoter on 30.05.2022) called upon the promoter to furnish the following information within 7 days from the issuance of the notice:
 - a. The total amount so far collected/realized from the allottees.
 - b. Allottee wise schedule of payment received.
 - c. Amount of work done so far at the site.
 - d. Percentage of physical progress achieved.
 - e. Land cost of the project and proportionate land cost of a percentage of physical progress.
 - f. The details of the Bank Accounts where the amount realized from allottees has been deposited/received.
 - g. The withdrawals from the separate RERA Account where 70% of the amount to be realized from allottees is mandatory to be deposited.
 - h. The proof of having withdrawn from the separate account after it is certified by an engineer, an architect, and a chartered accountant in practice that the withdrawal is in proportion to the percentage of completion of the project.

- i. The details of the balance available in the separate RERA Account and whether it is the remaining amount in the separate RERA Account out of seventy percent of the total amount realized from the allottees after withdrawals as per provisions of Section 4(2)(I)(D).
 - j. Duly certified and signed by a chartered accountant, a statement of accounts and annual audited accounts of the project for FY 2019-20 and 2020-2021.
 - k. Certificate of the Chartered Accountant that amounts collected for this project and the withdrawals have been in compliance with the proportion to the percentage of completion of the project.
 - l. Wherever there has been deviation/variation from the provisions of Section 4(2)(I)(D) and the explanation relating to the same.
 - m. Copy of documents submitted to Director Town & Country Planning, Haryana in compliance with rules in part IV of the Haryana Development and Regulation of Urban Areas Rules, 1976.
11. The Authority in its proceedings of the hearing dated 10.06.2022 observed that the reply to the notice submitted by the promoter was not in order. Hence the Authority, exercising its powers under Section 36 of the Act of 2016 on being satisfied that an act in contravention of the Act, 2016 or Rules or Regulations made thereunder had been committed and continued to be committed, ordered restraining the promoter, withdrawal from bank accounts i.e. Master Account/Separate RERA Account and the free account or any amount until the conclusion of its enquiry or further orders. The promoter was further restrained from creating any third party right by way of mortgage/ loan or any other manner on the project land, sold and unsold units further, and appointed M/s Grand Mark & Associates to conduct a forensic audit of the project account on the points mentioned above.
12. On perusal of the forensic audit report submitted by M/s Grandmark and Associates on 02.01.2023, lapses/ violation on the part of the promoter are as listed below:



1. The promoter has collected from 1453 allottees out of total 1487 units put up for sale, a Total Fund of Rs. 3,637,517,332.02 in two Master collection a/c of PNB & IndusInd Bank.
 2. The IndusInd bank account was closed on 27.11.2019 and Punjab National Bank a/c was in operation thereafter. However, the promoter operated dual collection accounts (both IndusInd and PNB) for a period of 7 months and 16 days from 11.04.2019 to 27.11.2019.
 3. The promoter has to bring back a total of Rs. 31.57 crores excess withdrawal from the project accounts.
 4. No QPR is submitted by the promoter.
 5. Non-compliance of section 4(2)(I)(D) of the Act of 2016.
13. However, the promoter filed an appeal against the license cancellation order of DTCP before the Principle Secretary to Government, Haryana, Town & Country Planning Department, Chandigarh and after hearing, the Additional Chief Secretary to Government of Haryana Town & Country Planning Department vide order dated 05.09.2022 in appeal no. 24 of 2022 set aside the impugned order of DTCP to the extent of cancellation of license and directions for taking over the licensed project under rule 19 of the Rules, 1976. Further, the developer as respondent no. 02 in the above appeal was directed to complete the project within 6 months and hand over the possession to the allottees as otherwise it would have been unjust enrichment to the developer as he had collected money from the allottees and if he is relieved of obligation to complete the project and handing over the possession to the allottees. The DTP Planning Gurugram was directed to monitor the progress and submit the periodical reports to the DTCP in this regard who was given the liberty to proceed against the developer as per legal provisions.
14. However, despite the above opportunity given to the promoter to complete the project within 6 months and hand over the possession to the allottees, the promoter has neither completed the project nor handed over the possession to the allottees within the time period allowed and thus violated the orders dated

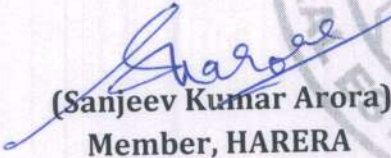
- 05.09.2022 passed by the Additional Chief Secretary to Government of Haryana Town & Country Planning Department in above appeal no. 24 of 2022.
15. Meanwhile, the promoter had applied for extension of registration u/s 6 of the Act of 2016 on 10.04.2023 which was rejected by the Authority vide order dated 28.09.2023 as the promoter neither removed the deficiencies despite issuance of repeated notices and nor put in appearance on the date of hearing fixed on 24.07.2023.
16. The Authority issued a show cause notice dated 02.11.2023 to the promoter for the revocation of the registration of the project and an opportunity of hearing was provided to the promoter on 04.12.2023.
17. Meanwhile, a meeting was held with officials of the National Institute of Financial Management, Faridabad to discuss the matter on 30.10.2023. Further, vide their communication dated 02.11.2023, the Director DTCP, Haryana, decided to award consulting assignment on financial aspects relating to licenses granted to Mahira Group in Haryana. The Authority shared the details of the projects pertaining to the promoter with the National Institute of Financial Management.
18. It was decided by the Authority to afford final opportunity of hearing to the promoter before revocation of the registration of the projects in continuation of the notice dated 02.11.2023 as none was present on behalf of the promoter during the said hearing. The said notice was issued on 21.02.2024 for a hearing on 11.03.2024.
19. On 11.03.2024, Shri Pintu, Director (no authority letter was produced by him to enable him to appear on behalf of the company) appeared on behalf of the promoter along with Advocate Shri Rishabh Gupta. Neither the director nor the Advocate had anything to say in the matter ^{except} ~~expect~~ seeking an adjournment without any basis. No reply was submitted to the show cause notice.
20. The Authority observes that the promoter has not only committed brazen violation of the Act of 2016 but is also responsible for breach of faith with respect to the innocent allottees who invested their hard-earned money into the project in the hope of obtaining an affordable home. Many such allottees

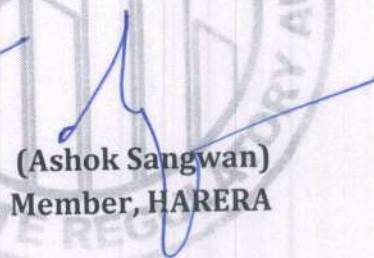
are suffering irreparable harm as they are living in rented accommodation and are paying EMIs to the banks. The respondent promoter is a persistent defaulter and has defied and disregarded the lawful directions of the Authority.


21. The Authority after going through the above factual matrix of the matter and details brought on record in the foregoing paras, is satisfied that the promoter has willfully violated the provisions of Section 4(2)(l)(c), Section 4(2)(l)(d), the Haryana Real Estate Regulatory Authority, Gurugram (Quarterly Progress Report) Regulations, 2018 and the Haryana Real Estate Regulatory Authority, Gurugram Real Estate Bank Accounts for the Registered Projects Directions, 2019. The promoter has further unlawfully diverted the amounts deposited by the innocent home-buyers into its own related companies. In view of the above, the Authority deems it fit to revoke the registration of the project "Mahira Homes 68" issued to M/s Sai Aaina Farms Pvt. Ltd. (now known as Mahira Infratech Pvt. Ltd.) vide Registration No. 21 of 2018 dated 02.02.2018 under the provisions of Section 7(1)(a), (b) and (d) of the Real Estate (Regulation and Development) Act, 2016, Haryana Real Estates (Regulation and Development) Rules, 2017 and Regulations of the Haryana Real Estate Regulatory Authority, Gurugram. The Authority directs under Section 7(4)(a) of the Act of 2016 that the promoter shall be debarred from accessing its website in relation to that project and the name of the promoter shall be specified in the list of defaulters on the Authority's website. It is further directed under Section 7(4)(c) of the Act of 2016 that the concerned banks holding the project bank accounts shall freeze the accounts of the project till further orders. It is further directed under Section 7(4)(d) of the Act of 2016 that the respondent promoter or any of its agencies is restrained from removing any material from the site of the project.
22. The promoter is further directed to submit within a period of three weeks certified copies of:
1. Complete list of allottees (along with address, email id & contact number), unit number, amount received from each allottee and balance outstanding amount.

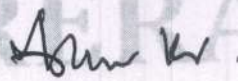
2. Complete set of sanctioned drawings, working drawings and structural drawings including the drawing for services and common facilities.
 3. The list of contractor/service providers engaged for completion of work on site along with a copy of the work order given to each contractor/service provider and detail of amount already paid to them.
 4. Bank account statements of the project duly certified by the authorized director of the promoter company.
23. Further that the promoter shall continue to remain liable for his obligations under section 12, 14 and 18 of the Act of 2016 and the above revocation is without prejudice to the right of the Authority to initiate penal proceedings against the promoter under section 63 of the Act of 2016.

A copy of this order shall be endorsed to all other Real Estate Regulatory Authorities of the States and Union Territories of the country.


 (Sanjeev Kumar Arora)
 Member, HARERA


 (Ashok Sangwan)
 Member, HARERA


 (Vijay Kumar Goyal)
 Member, HARERA


 (Arun Kumar)
 Chairman, HARERA