

New PWD Rest House, Civil Lines, Gurugram, Haryana नया पी डब्ल्यू डी विश्राम गृह, सिविल लाईंस, गुरुग्राम, हरियाणा

Proceeding of the Authority dated 10.6.2022
in suo-motu complaint against project Mahira
Homes -103. Gurugram

Cr. No. RERA-GRG-2544-2022
Dated : 27.5.2022

Subject: Appointment of auditor to make an enquiry in relation to the affairs of the promoter of the project namely "Mahira Homes 103" located at sector-68 Gurugram, In exercise of the powers vested in it under section 35 of the Real Estate (Regulation and Development) Act, 2016.

Present on behalf of complainant: Sh. J.S. Sindhu, Executive Engineer (Monitoring)
Sh. Sumeet, Engineering Executive
Ms. Neeraj Gautam, Associate Architect.

Present on behalf of respondent: Sh. Sikander Singh, Managing Director
Sh. Prince Kumar, Director

The below mentioned project was registered by the Authority as per following details:

Sr. No.	Particulars	Details
(i)	Name of the project	Mahira homes 103
(ii)	Name of the promoter	M/s Mahira buildtech Pvt Ltd
(iii)	Area of the project	5.40 acres
(iv)	Location of the project	Sector 103 Gurugram
(v)	Nature of the project	Affordable Group Housing
(vi)	Number of units	800 Units
(vii)	Master Account No.	4542002900000011 PNB High Value Branch, Plaza Mall, Gurugram
(viii)	Separate RERA Account No. (70% Account)	4542002900005612 PNB High Value Branch, Plaza Mall, Gurugram
(ix)	Free Account	
(x)	Contact e-mail address	gurgaon@mahiragroup.com

1. The Director Town & Country Planning vide its order dated 17.05.2022 has blacklisted the developer company, its directors, shareholders and other authorized signatory from grant of license under the provisions of Act 8 of 1975 in future. The order reads as follows:

"Whereas, on account of committing various grave violations in license no. 128 of 2019, 31 of 2019, 24 of 2020 and 66 of 2021 dated, granted for development of affordable group housing colony in Sector-63A, 103, 95 & 104, Gurugram, forged and fabricated bank



guarantees and also forged signatures of the bank officials/officer on the bank guarantees which was submitted by CZAR Buildwell Pvt. Ltd., at the time of grant of license No. 66 of 2021 and replacement the old bank guarantees in lieu of fresh Bank Guarantees submitted in the three other licenses as indicated above which were issued to Mahira Buildtech Pvt. Ltd. and CZAR Buildwell Pvt. Ltd. It has been accordingly decided to blacklist the developer company i.e. Mahira Buildtech Pvt. Ltd. & CZAR Buildwell Pvt. Ltd., its Directors, shareholders and other authorized signatory from grant of any new license under the provisions of Act 8 of 1975 in future. Accordingly, all concerned are hereby directed not to process any application of above said company, its Directors and shareholders for grant of license under the Act ibid."

2. Sh. Sumeet Engineer Executive and Coordinating Engineering Executive Sh. JS Sindhu visited the site and a report about physical status of construction was submitted. The physical progress of the project is annexed. Construction at site does not seem commensurate to the payments collected and neither the quarterly progress reports of the project are furnished nor the requisite information has been filed in annual audit statement of accounts of the project submitted by the promoter.
3. Therefore, the Authority considered it expedient to do so on this complaint/suo-motu relating to this Act where it seems that construction is not commensurate to the payment collected from the allottees and about the project neither the QPRs have been submitted nor the requisite information in annual audited statement of accounts of the project have been submitted with the Authority. Keeping in view the reasons recorded above, the Authority called upon the promoter to furnish following information within seven days of notice i.e. by 6th June, 2022.
 - (i) Total amount so far collected/realised from the allottees.
 - (ii) Allottee wise schedule of payment received.
 - (iii) Amount of work done so far on the site.
 - (iv) Percentage of physical progress achieved.
 - (v) Land cost of the project and proportionate land cost of percentage of physical progress.
 - (vi) The details of the Bank Accounts where the amount realized from allottees has been deposited/received.
 - (vii) The withdrawals from the separate RERA Account where 70% of the amount to be realized from allottees is mandatorily to be deposited.
 - (viii) The proofs 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.



- (ix) The details of the balance available in the separate RERA Account and whether it is remaining amount in the separate RERA Account out of seventy percentage of total amount realized from the allottees after withdrawals as per provisions of section 4(2)(I)(D).
 - (x) Duly certified and signed by a chartered accountant a statement of accounts and annual audited accounts of the project for the financial year 2019-20 and for the financial year 2020-21.
 - (xi) 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.
 - (xii) Wherever there has been deviation/variation from the provisions of section 4(2)(I)(D) the explanation relating to same.
 - (xiii) Copy of documents submitted to Director Town & Country Planning, Haryana in compliance of rules in part IV of the Haryana Development and Regulation of Urban Areas Rules, 1976.
4. The Authority exercising powers as vested in it under section 35 of the Real Estate (Regulation and Development) Act, 2016 directed the promoter to furnish in writing the above information and explanation within a period of 7 days from issuance of this notice i.e., by 6th of June, 2022.
 5. Reply to the notice, submitted by the promoter was not found in order. Hence, the authority, exercising the powers under section 36 of the Act on being satisfied that an act in contravention of this Act, or the rules and regulations made thereunder has been committed and continues to be committed, ordered restraining the promoter withdrawal from the project account i.e. master account/separate RERA account and the fee account or any amount until the conclusion of such inquiry or further orders.
 6. The promoter is further restrained from creating any third party right by way of mortgage/loan or any other manner on the project land, sold and unsold unit further.
 7. Now the authority further decides to order forensic audit of the project account on the points mentioned in para 4 above by Grand Mark & Associates (one out of the empaneled list with the authority) and fix the audit fees of Rs. 50,000/- which includes all out of pocket expenses and the promoter has to reimburse the audit fees of the forensic auditor. The forensic auditor shall submit his report within 15 days. The forensic auditor shall conduct this audit under the supervision, direction, and control of the inquiry officer. The promoter is further directed to make available all necessary record pertaining to the project to the inquiry officer and to the forensic auditor for discharge of the assigned task to them without

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- adopting any tactics. Any violation of this act will attract strict penal proceedings against the promoter.
8. The authority further exercising the powers under section 35 (i) of the Act of 2016 hereby appoints Sh. J.S. Sindhu Executive Monitoring Engineer, Haryana Real Estate Regulatory Authority, Gurugram for conducting of inquiries relating to project as mentioned above.
 9. The authority directs the promoter under section 35(2), exercising the powers as are vested in a civil court under the Code of Civil Procedure, 1908 to produce books of accounts and documents relating to loan; fund diverted in other accounts, allotment of units, amount realized from the allottees of the sale of units and other related document required by the inquiry officer and the forensic auditor at such place and at such time as demanded by them on behalf of the authority. The directors of the company and chief financial officer and company secretary and any other officer which is having custody of the record shall also be present before the forensic auditor for conducting the forensic audit by the forensic auditor.

Ordered accordingly.

Sd/
Vijay Kumar Goel
Member

Sd/
Dr. K.K. Khandelwal
Chairman

Copy endorsed to all concerned for information.

1. Managing Director, M/s Czar Buildwell Pvt. Ltd
2. Sh. J.S. Sindhu, Executive Engineer, (Monitoring), HARERA Gurugram
3. Sh. Sumeet, Engineering Executive HARERA, Gurugram
4. Ms. Neeraj, Associate Architect, HARERA Gurugram
5. Grand Mark & Associate LG-01, U-5/46-47 DLF City Phase-III, Gurugram



Asstt. Secretary
HARERA, Gurugram