



PROCEEDINGS OF THE DAY

Day and Date	Tuesday and 04.08.2020
Subject	Project Hearing
RPIN	248
Project	AIPL Joy Gallery
Promoter	M/s Advance India Projects Ltd.
Represented through online	Sh. Nishit Khandelwal, CFO
Proceeding recorded by	Sh. Ashish Kush, Planning Executive

Subject: Project hearing regarding the registration of project "AIPL Joy Gallery" at Sector 66, Gurugram developed by M/s Advance India Projects Ltd.

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The Promoter was asked to submit environmental clearance and Service plan and estimates approval. It was mentioned by the authorized representative that the state environmental impact assessment authority has approved environmental clearance in its meeting on 22.7.2020. Minutes of the meeting will be submitted. Formal approval may take around 10-15 days more. Similarly, their Service plan and estimates of the project have been cleared by HSVP and copy of communication send to DTCP by HSVP shall be submitted. Fire scheme approval be also submitted. There are certain corrections to be made in DPI and Part A to H of the online format. Regarding deficient fee a representation has been submitted by the promoter as under:

1. The Project Land was granted license No. 197 dated 05.12.2008 and Zoning Drg. No. 2463 dated 07.04.2011 by Director, Town and Country Planning Department ("DTCP") for development of Commercial Colony in favour of R.C. Sood & Co. Pvt. Ltd. (formerly known as RJS Finance and Investment Pvt. Ltd.) ("Land Owner") as per which the project land was granted FAR of 176% i.e. FSI 3,22,437 sq ft ("Original FSI"). Copy of original Zoning attached as Annexure A.
2. The Land Owner, due to financial, market and other reasons, did not initiate the process of obtaining building plan approval for the project and hence, did not undertake development of the project. Also, since the building plans were not approved, the land owner did not market, launch, offer for sale, book or allot units in the project.
3. It is pertinent to note here that neither building plans were approved under the said license nor any development work was undertaken at the project land till 1st May, 2017.
4. The Land Owner and Advance India Projects Limited ("AIPL") entered into Development Agreement dated 31.12.2018 and were granted approval of change of developer by DTCP vide Memo No. LC-1313-II-JE(VA)/2019/11830 dated 14.5.2019. Copy of approval of change of developer attached as Annexure B.

5. The Project Land was granted benefit under Transit Orient Development Policy and accordingly, Revised Zoning Plan was issued vide Drg. No. DTCP-7386 dated 2.3.2020 as per which the FAR on the Project Land was increased from 175% to 350% and accordingly, FSI was increased from 3,22,437 sq ft. Copy of New Zoning attached as Annexure C.
6. Post receipt of TOD and Revised Zoning, building plans for the project were approved for the 'First Time' by DTCP vide their Memo No. ZP-572d/SD(DK)/2020/8094, dated 14.5.2020. It is pertinent to note here that since this was the first time that building plans were approved for the said license, hence, the approval states "Approval of building plans' and not 'Revision of Building Plans'. Copy of building plan approval attached as Annexure D.
7. Post receipt of building plan approvals, we have applied 'Online for registration of the project under the provisions of the Rules on 14.5.2020.

As per Section 2(o) of Haryana Real Estate (Regulations and Development) Rules, 2017 reproduced hereinbelow:

"a project for which as license was issued for the development under the Haryana Development and Regulation of Urban Area Act, 1975 on or before 1st May, 2017 and where development works were yet to be completed on the said date, but does not include (i) any project for which after completion of development works, an application under Rule 16 of the Haryana Development and Regulation of Urban Area Rules, 1976 or under sub code 4.10 of the Haryana Building Code, 2017, as the case may be, is made to the Competent Authority on or before publication of these rules and (ii) that part of any project for which part completion/completion, occupation certificate or part thereof has been granted on or before publication of these rules."

While license was granted to R.C. Sood & Co. Pvt. Ltd. In 2008, however, building plans for the project were approved for the first time in May, 2020. As per the provisions of the Rules, till building plans are approved, the application for registration of project cannot be filed. Even if the land Owner would have applied for registration under the Rules prior to 1st May, 2017, their application would have been rejected upfront since they did not have approved building plan.

Sir, to qualify for an 'Ongoing' Project, while Rules states grant of license, however, it also states that the development works were not yet completed on or before 1st May, 2017. As per the Statutory Provisions, development work cannot be started at the project site without building plan approval, hence, our project cannot be considered as Ongoing Project. Further, it is also important to note that there has been no sale undertaken by the Land Owner in the project till date.

Without prejudice to our above submission that the project is not an Ongoing Project, even if deficit fees has to be charged, same shall be charged on 175% FAR i.e. FSI 3.22.437 sq ft, since 350% FAR i.e. 6,44,874 sq ft, has been approved by DTCP only on 02.03.2020, post which only building plans were approved and accordingly, RERA registration was applied. Even if RERA was to be applied by the Land Owner, they could have applied on 175% FAR only.

In view of our above submission, we request you will kindly appreciate that there has been no intentional default on part of the Land Owner and AIPL in getting the project registered, and it is due to technical reasons and honest interpretation of Law and the Land Owner did not get the project registered as an 'Ongoing Project'. Even if the Land Owner/AIPL, would have wanted to get the project registered, we would not have been able to file the application even since without

building plan approval, registration cannot be applied for.

In view thereof, we humbly request you to kindly remove the requirement of payment of Deficit Fees and grant us the Project Registration at the earliest and oblige."

The Authority decided to refer the matter relating to representation by the promoter for non-applicability of late fee ~~for~~ when COD has been allowed by DTCP, Haryana in their favour vide Memo No. LC-1313-II-JE(VA)/2019/11830 dated 14.5.2019, to the Committee under the Chairmanship of Secretary comprising of Chartered Accountant (Sh. Naresh Kamboj), Legal Officer (Smt. Geeta Rathee Singh).



Subhash Chander Kush
(Member)



Dr. K.K. Khandelwal
(Chairman)

