



PROCEEDINGS OF THE DAY

Day and Date	Monday and 26.04.2021
Subject	Project Hearing
RPIN	276
Project	Shree Vardhman Mantra
Promoter	M/s DSS Infrastructures Pvt. Ltd.
Represented through	Ved Prakash
Proceeding recorded by	Sh. Ashish Kush, Planning Executive

Subject: Project hearing regarding the registration of low cost group housing project namely "Shree Vardhman Mantra" measuring 11.262 acres situated at Sector 67, Gurugram developed by M/s DSS Infrastructures Pvt. Ltd.

No one is present on behalf of the promoter. On scrutiny of the application submitted by the promoter for the registration of their project some major deficiencies are found which are mentioned below:-

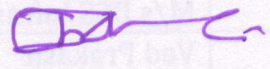
1. The annexures in the online are not uploaded as well as the correction needs to be done in the online (A-H).
2. DPI not filled Properly.
3. Deficit Fee- Rs 53,69,360/-.
4. Renewal of License needs to be submitted.
5. Renewal of Building plan needs to be submitted.
6. Renewal of Airport height clearance needs to be submitted.
7. Approved Service plan and estimates needs to be submitted.
8. Electrical load availability needs to be submitted.
9. Tree cutting permission NOC from DFO needs to be submitted.
10. List of sold and unsold inventory needs to be submitted.
11. Project report needs to be submitted.
12. Layout plan superimposed on the demarcation plan showing the khasra numbers needs to be submitted.
13. Approvals/ NOC's from various agencies for connecting external services like roads, water supply, sewerage disposal, storm water drainage needs to be submitted.
14. Mutation, jamabandi and aks-shajra duly certified by revenue officer six months prior to date of application needs to be submitted.
15. Board resolution duly acknowledged by bank for operation of bank account is submitted properly specifying same to be 70% collection account as per RERA rules needs to be provided.
16. Affidavit by the promote. Keeping in view the provisions of section 4 (2) (I) (D) of the Real Estate (Regulation & Development) Act, 2016, All the three account no should be mention in the affidavit and it should be sign by the witness.

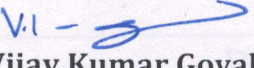


17. Bank undertaking needs to be provided.

In spite of the repeated reminders, the promoter fails to remove the deficiencies. The Authority decided to reject the application for registration of their low-cost group housing project namely "Shree Vardhman Mantra" and forfeit the processing fee i.e Rs 7,97,585/-. The Authority also directed the promoter to apply a fresh application after the compliances of the deficiencies mentioned above. Detailed order will follow.


Samir Kumar
(Member)


Dr. K.K. Khandelwal
(Chairman)

V.I - 
Vijay Kumar Goyal
(Chairman)

Subject: Rejection of application for registration of the real estate project with following details: -

Sr. No.	Particulars	Details
1.	Name of the project	Shree Vardhman Mantra
2.	Location of the project	Sector-67, Gurugram, Haryana
3.	Name of the applicant promoter	M/s DSS Infrastructures Pvt. Ltd.

ORDER

1. The present application for registration of the above mentioned real estate project was filed with the authority on 05.11.2020 under Section 4 of the Real Estate (Regulation and Development) Act, 2016 read with rule 3 of the Haryana Real Estate (Regulation & Development) Rules, 2017 in the format REP-I (Part A-H) as prescribed under the Haryana Real Estate Regulatory Authority (Registration of projects), First amendment Regulations, 2018 notified vide no. 132-2018/Ext. dated 07.08.2018.
2. As per Section 4(2)(c), (d), (e) and (f) of the Act ibid the application for registration shall be made with the copy of valid statutory approvals. Section 4(2)(c), (d), (e) and (f) states as under:

4 (1)

(2) *The promoter shall enclose the following documents along with the application referred to in sub-section (1), namely: —*

(a)

(b)

(c) *an authenticated copy of the approvals and commencement certificate from the competent authority obtained in accordance with the laws as may be applicable for the real estate project mentioned in the application, and where the project is proposed to be developed in phases, an authenticated copy of the approvals and commencement certificate from the competent authority for each of such phases;*

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- (d) *the sanctioned plan, layout plan and specifications of the proposed project or the phase thereof, and the whole project as sanctioned by the competent authority;*
- (e) *the plan of development works to be executed in the proposed project and the proposed facilities to be provided thereof including firefighting facilities, drinking water facilities, emergency evacuation services, use of renewable energy;*
- (f) *.....*
- (g) *performa of the allotment letter, agreement for sale, and the conveyance deed proposed to be signed with the allottees;*
-*
3. Also, according to rule 5(1) of the rules ibid the authority shall issue a registration certificate to the promoter provided that the license and other permissions granted to the promoter by the competent authorities are valid at the time of such registration. Rule 5(1) states as under:-
- 5 Grant or rejection of project**
- (1) *Upon the registration of a project, the authority shall issue a registration certificate with registration number in form "REP-III" to the promoter for the stipulated period of completion of the project as mentioned in the application of the promoter provided that the license and other permissions granted to the promoter by the competent authorities are valid at the time of such registration. In case, the stipulated time of such registration is beyond the validity period of license, then the promoter shall renew his said license/permissions for the remaining period well in time. Otherwise, his registration may be cancelled after giving him an opportunity of being heard.*
- (2) *.....*
4. On scrutiny of the application, the deficiencies were observed which were conveyed to the promoter vide letter no. HARERA/GGM/RPIN/276 dated 09.11.2020 directing the promoter to remove the same also an opportunity of personal hearing was given on 18.11.2020. On 18.11.2020 hearing is adjourned for 24.11.2020. On 24.11.2020 hearing is adjourned for 24.11.2020. On 24.11.2020 hearing is

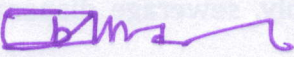
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adjourned for 03.12.2020. On 03.12.2020 hearing is adjourned for 10.12.2020. On 10.12.2020. On 10.12.2020, the coram is not complete hence the hearing is adjourned for 23.12.2020. On 23.12.2020 Authority decided to issue a show cause notice. A show cause notice was sent to the promoter vide notice no HARERA/GGM/RPIN/276 dated 13.01.2021 directing the promoter to remove the deficiencies and hearing was fixed for 28.01.2021. On 28.01.2021, hearing is adjourned for 18.02.2021. On 18.02.2021, the promoter submitted the request for withdrawal of application for registration of their project. The Authority has decided to reject the request and the matter is fixed for 26.04.2021. On 26.04.2021, no one is present on behalf of the promoter as well as the promoter failed to remove the deficiencies and the Authority decided to reject the application with the directions to apply a fresh application after the removal of deficiencies and also directed to forfeit the processing fee i.e Rs 7,97,585/-.

5. The promoter did not submitted any reply regarding the deficiencies as conveyed to the promoter vide repeated deficiency notices mentioned above. The major deficiencies mentioned below:
1. The annexures in the online are not uploaded as well as the correction needs to be done in the online (A-H).
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15. Board resolution duly acknowledged by bank for operation of bank account is submitted properly specifying same to be 70% collection account as per RERA rules needs to be provided.
 16. Affidavit by the promote. Keeping in view the provisions of section 4 (2) (I) (D) of the Real Estate (Regulation & Development) Act, 2016, All the three account no should be mention in the affidavit and it should be sign by the witness.
 17. Bank undertaking needs to be provided.
6. Keeping in view the facts that the application was pending since long and the promotor did not seem to be serious in pursuing the application for registration of the project, inspite of repeated opportunities vide dated mentioned above to remove the deficiencies failing which their application for registration will be rejected following due procedure as provided under Section 5 of the Real Estate (Regulation and Development) Act, 2016 and Rule 5 of the Haryana Real Estate (Regulation and Development) Rules, 2017.
7. Since, the promoter has failed to remove the deficiencies inspite of issue of repeated notices and also grant of an opportunity of personal hearings many times under proviso to section 5(1)(b) of the Act ibid, therefore, the Authority in the instant matter has decided to reject the application for registration of the above mentioned project in view of the fact that an incomplete application is no application in the eyes of law. Further, the processing fee amounting to Rs 7,97,585/- has been forfeited as per Haryana Real Estate Regulatory Authority, Gurugram (Processing Fee for Registration of Real Estate Projects) Regulations, 2018 Notification No. 203-2018/Ext. dated 06.12.2018 out of the Rs 14,82,300/- total fee deposited by the promotor.
- Accordingly, be communicated to the promotor.

Dated: 26.04.2021
Samir Kumar
(Member)
Dr. K.K Khandelwal
(Chairman)
Vijay Kumar Goyal
(Member)