



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

No. HARERA/GGM/RPIN/402/Show cause1 **Date:** 28.02.2022

| From | To |
|--|--|
| Haryana Real Estate Regulatory Authority, Gurugram | M/s Tulip Infratech Pvt. Ltd. Plot No-76-G, Sector 18, Gurugram, Haryana-122015 |

Subject: Show cause notice under Section 5 (1)(b) of the Real Estate (Regulation and Development) Act, 2016 for rejection of application of registration of the real estate mixed land use colony project namely "Tulip Monsella & Tulip Attila" received on 12.11.2021.

Reference: Central Receipt no. 12696/25726

Temp. I.D. of REP-I -RERA-GRG_PROJ-966-2021.

I. Details of the Project:

| | |
|---|---------------------------------|
| Name of the Project | Tulip Monsella and Tulip Attila |
| Location of the Project | Sector 53, Gurugram |
| Area of Project for which registration applied | 19.244 res |

II. With reference to the application regarding registration of mixed landuse colony submitted under Section 4 and Rule 3 in Form- 'REP-I' and accompanied by a registration fee for a sum calculated at the rate mentioned in Schedule-1 of the Real Estate (Regulation and Development) Act, 2016 on 12.11.2021, it is intimated that on scrutiny, deficiencies have been observed which were informed vide notice no. HARERA/GGM/RPIN/402 dated 23.11.2021 with directions to remove the deficiencies immediately failing which your application may be rejected following the 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. Also, an opportunity of personal hearing was offered to you on 06.12.2021 at 02:00 pm in the office of HARERA, Gurugram.



- III. In reference to the notice dated 23.11.2021, you had not submitted the reply of 1st deficiency notice and matter got adjourned for 13.12.2021. On 10.12.2021, you had submitted the reply, which was scrutinized, and remaining deficiencies have been conveyed to you.
- IV. On 13.12.2021, the matter was heard. The in-principle BIP permission in favour of Tulip Infratech Pvt. Ltd. has been obtained from DTCP on 01.10.2021 and application for registration has been made on basis of in principle only as the final BIP permission is still awaited from DTCP. The AR of your company was directed to submit hard copy of the DPI. The revised approval for fire scheme as well as EC and service plan estimates has been applied but their final clearance is still awaited from the concerned departments. The AR was advised to obtain and submit the final BIP permission along with other deficit/pending approvals. The matter was decided to come up on 20.12.2021.
- V. On 20.12.2021, the matter was discussed at length. Total licensed area of the project is 19.244 acres out of which 16.063 acres consist of residential colony and 3.181 acres consists of commercial colony. Out of total licensed area, 16.664 acres falls under intense zone under TOD Policy @3.50 and 2.580 acres falls under transition zone under TOD Policy @2.5. Additional FAR of 12% is granted under green building i.e., residential-7800.546 sq.m. and commercial-1544.764 sq.m. Also, DTCP, Haryana has granted an in-principal BIP permission of development and marketing rights (BIP) on 12.831 acres out of the total licensed area in favour of M/s Tulip Infratech Pvt Ltd. You were directed to submit the deficit documents along with corrected online DPI. Matter decided to come up on 03.01.2022.
- VI. On 03.01.2022, due to amid COVID 19 and omicron pandemic, the hearing couldn't be held on the fixed date. Therefore, the hearing was adjourned to 10.01.2022 through video conferencing. On 10.01.2022, you had submitted the reply on 03.01.2022 which was scrutinized and remaining deficiencies which still needs to be rectified by you were already conveyed to you. The major deficit

documents were final approval of BIP permission, environmental clearance, service plan and estimates, approved building plan and other financial documents. You were directed to submit these deficit documents along with corrected online DPI. Matter was decided to come up on 25.01.2022.

VII. On 24.01.2022, you had submitted an application for adjournment of hearing on 25.01.2022. Due to ongoing covid 19 situations, your concerned persons were suffering from fever and was not be able to attend the hearing on given date and requested to adjourned the hearing. Your request was considered by the authority and extension was allowed. Matter was decided to come up on 21.02.2022. On 21.02.2022, no one appeared on behalf of your company. Deficiencies has already been communicated. Also, vide application dated 21.02.2022, you had requested for adjournment of hearing because you need some more time to obtain necessary statutory approvals required for the said project.

VIII. Despite various opportunity needful has not been done. The authority had decided to issue show cause notice for rejection of application under section 5 of the Real Estate (Regulation and development) Act, 2016 as why application for registration shall not be rejected for want of information. The deficiencies which have not been removed by you are as under:

1. Online corrections in REP-I (Part A-H) needs to be done.
2. Corrections in online detailed project information needs to be done.
3. Deficit fees of ₹4,88,00,093/- needs to be paid.
4. Details of litigation not provided.
5. Approval/assurance for storm water drainage not provided.
6. Details of sold and unsold inventory unit wise including unit no., floor no., tower name, size of unit, average rate and total consideration needs to be submitted.
7. Copy of EDC/IDC schedule needs to be submitted.
8. Completion date needs to be revised because validity of license is 12.03.2025 and completion date cannot exceed the validity of license.
9. Entry of loan in the revenue record needs to be done.

Part-E-Project Cost/sale Proceeds

10. Cost of Land needs to be clarified. Sale deed in support of the same needs to be provided.
11. Cost of External development charges needs to be clarified.
12. Director report for the preceding three financial year needs to be submitted.
13. Balance sheet for the financial year 2020-21 needs to be submitted.
14. Deed of hypothecation or mortgage deed needs to be submitted.
15. Loan sanction letter, disbursement schedule, repayment schedule needs to be submitted.
16. Financial resources of the project need to be clarified.
17. Saleable area of the project needs to be corrected.
18. CA Certificate for the equity infused by the promoter needs to be provided.

Part-H- Separate bank account details

19. CA Certificate non default in repayment of loan of public financial institution and government due needs to be mandatory mention unique identification number. (Annexure D1)
20. Affidavit by the promoter regarding provisions of section 4 (2) (I) (D) of the Real Estate (Regulation & Development) Act, 2016 needs to be submitted. (Annexure D5)
21. Bank undertaking needs to be submitted. (Annexure D6)
22. An undertaking from the promoter regarding EDC to ensure that the 10% of total receipts in project RERA account should be transferred in state treasury account until it is fully paid.
23. Escrow agreement with the bank executed at the time of opening of bank accounts needs to be submitted.

Part-I-Quarterly schedule of physical and financial progress

24. Quarterly schedule of physical progress of mixed land use colony needs to be clarified and corrected.
25. Quarterly schedule of physical progress of infrastructure and services needs to be clarified and corrected.
26. Quarterly schedule of estimated expenditure needs to be clarified and corrected.
27. Quarterly schedule of sources of funds needs to be clarified and corrected.

Part J- Additional documents in case of ongoing projects

28. CA certificate for expenditure incurred up to the date of registration needs to be submitted
29. CA certificate for financial and inventory details needs to be submitted.

Folder A

Part-B-Statutory Approvals and land/license related documents

30. Copy of final approved beneficiary interest permission needs to be submitted. (Annexure A4)
31. Project report needs to be revised. (Annexure A6)
32. Mutation duly certified by revenue officer six months prior to date of application needs to be provided. (Annexure A9)
33. Copy of revised land title search report needs to be submitted. (Annexure A11)
34. REP-II needs to be revised and notarised.
35. Copy of approved environment clearance not submitted. (Annexure A15)
36. Copy of approved revised fire scheme approval along with plans not submitted. (Annexure A17)
37. Copy of revised approved BR-III not submitted. (Annexure A18)
38. Copy of earlier approved BR-III with building plans needs to be submitted in sequence.
39. Copy of approved revised service estimates and plans needs to be submitted along with sanction letter from DTCP, Haryana and if applied, then copy of applied documents needs to be submitted. (Annexure A19)
40. Copy of Tree cutting, forest land diversion, power line shifting NOC needs to be submitted. (Annexure A23, 24, 25)
41. Copy of mining permission needs to be submitted. (Annexure A27)

Folder C

Various plans to be annexed

42. Copy of approved zoning plan and demarcation plan not submitted. (Annexure C2 & C3)
43. Copy of superimposed demarcation plan on approved site plan on A1 sheet not submitted. (Annexure C14)
44. Road connectivity map showing existing and proposed road along the site needs to be submitted.
45. PERT Chart needs to be revised. (Annexure C15)
46. Brochure of "Tulip Monsella & Tulip Atilla" needs to be submitted.

Folder D

Financial Documents and Allottee related draft documents

47. Copy of approval letter obtained from banks for home loan tie-up needs to be submitted. (Annexure D3)



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48. Application form, Allotment letter, conveyance deed, payment plan and builder buyer agreement in the prescribed format needs to be submitted. (D15, D16, D17, D18, D19)

- IX. As per record of this Authority, six opportunities of hearing were offered to you and still deficiencies have not been attended by you.
- X. Therefore, the authority has decided to issue a show cause notice to you under section 5(1) (b) of the Haryana Real Estate (Regulation and Development) Act 2016 and Rule 5(2) of the Haryana Real Estate (Regulation and Development) Rules 2017 as why the application for the reasons as mentioned above shall not be rejected as such application does not conform to the provisions of the Act or the rules or the regulations.
- XI. If applicant has anything to say in this regard, an opportunity of personal hearing is given on 28.03.2021 at 2.00 PM in the office of HARERA, Gurugram at the Conference Room, New PWD Rest House, Civil Lines, Gurugram, Haryana. In case the applicant fails to appear before the Authority on the above given date and time, it will be presumed that the applicant has nothing to say in this matter and the application will be decided as per provisions of the Act and rules referred as above.

Date: 21.02.2022
Issued under the authority and seal of HARERA, Gurugram.

o/c

Planning Coordinator
For and on behalf of Haryana Real Estate Regulatory Authority, Gurugram

Received
9/05/2022