

Project hearing brief

SN	Particulars	Details	
1.	Name of the project	Aviana Greens	
2.	Name of the promotor	M/s Aviana Green Estates Pvt. Ltd.	
3.	Nature of the project	Group Housing colony	
4.	Location of the project	Sector- 103, Gurugram	
5.	Legal capacity	Collaborator	
6.	Name of the license holder	Sunita Kumari, Dharminder-Parveen, Maninder-Parmod, Saroj, Mamta, Rakesh, Satish	
7.	Name of the Collaborator	M/s Aviana Green Estates Pvt. Ltd.	
8.	Status of project	New	
9.	Whether registration applied for whole/ phase	Whole	
10.	Online application ID	RERA-GRG-PROJ-1024-2022	
11.	License no.	97 of 2021 dated 12.11.2021	Valid upto 11.11.2026
12.	Total licensed area	4.1875 acres	Area to be Registered 4.1875 acres
13.	Statutory approvals either applied for or obtained prior to registration		
	i)	License Approval	Date of approval
			97 of 2021 dated 12.11.2021
			Validity upto 11.11.2026
	ii)	Zoning Plan Approval	18.11.2021
	iii)	Building plan Approval	Not submitted
	iv)	Environmental Clearance	Not submitted
	v)	Service plan and estimate approval	Not submitted
14.	File Status	Date	
	Project received on	23.02.2022	
	1 st deficiency notice sent on	07.03.2022	
	1 st hearing on	14.03.2022	
	2 nd hearing on	28.03.2022	
	3 rd hearing on	31.03.2022	
	4 th hearing on	02.04.2022	
	5 th hearing on	25.04.2022	
	6 th hearing on	30.05.2022	
	7 th hearing on	27.06.2022	



	8 th hearing on	25.07.2022
	9 th hearing	27.07.2022
15.	Projected date of completion of the project	02.11.2026
16.	Present stage of completion for ongoing projects (%)	NA
17.	(sold units - in case of ongoing/ unsold units)	Not provided
18.	Detail of encumbrances	Non encumbrance certificate submitted
19.	Remarks An application regarding registration of group housing colony project namely "Aviana Greens" situated at sector 103, Gurugram being developed by M/s Aviana Greens Estates Pvt. Ltd was submitted on 23.02.2022 under section 4 of Real Estate (Regulation and Development), Act 2016. This application for registration of group housing residential colony has been licensed license no. 97 of 2021 dated 12.11.2021 valid upto 11.11.2026 issued in favour of Sunita Kumari, Dharminder-Parveen, Maninder-Parmod, Saroj, Mamta, Rakesh, Satish in collaboration with Aviana Greens Estates Pvt Ltd for an area measuring 4.1875 acres undern TOD Policy dated 09.02.2016. After the scrutiny of the application, deficiencies were noticed, which were conveyed to the promoter vide notice no. HARERA/GGM/RPIN/443 dated 07.03.2022 with directions to remove the deficiencies failing which their 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 hearing was given on 14.03.2022. On 14.03.2022, none was present on behalf of the promoter. The 1st deficiency notice has already been conveyed to the promoter applicant on 07.03.2022 and reply is yet to be received. Adjourned to 28.03.2022. On 28.03.2022, matter adjourned for 31.03.2022. On 31.03.2022, the matter was adjourned for 02.04.2022 On 02.04.2022, on the request of the promoter, matter was adjourned to 25.04.2022 to rectify the defects as mentioned in the agenda note. On 25.04.2022, the promoter has not submitted the reply of 1st deficiency notice. The AR of the promoter requests for 2-week time for the submission of reply. The Authority decided that a show cause notice be issued for rejection of the application for grant of registration under section 5 of the Act of 2016 and read with rule 5 of Haryana Rules, 2017. If the promoter has to say in this regard, an opportunity of hearing is given to the promoter on 30.05.2022.	



On 30.05.2022, Sh. Amarjeet Singh Dhillon (Director) is present on behalf of the promoter. The promoter has not submitted the reply of 1st deficiency notice till date despite giving five opportunities of hearing. It seems that the promoter is not serious to rectify the deficiencies which are conveyed through deficiency notice. On the request of Sh. Amarjeet Singh Dhillon a time period of 4 weeks is granted. Matter to come up on 27.06.2022.

On 27.06.2022, Sh. Amarjeet Singh Dhillon (Director) is present on behalf of the promoter. The promoter has not submitted the reply of 1st deficiency notice till date despite giving six opportunities of hearing. It seems that the promoter is not serious to rectify the deficiencies which are conveyed through deficiency notice. The promoter requested for adjournment of hearing for 4 weeks. The promoter is directed to submit the deficit documents and matter to come up on 25.07.2022.

As on today, the promoter has not submitted the reply of 1st deficiency notice. List of deficiencies are mentioned below:

On 25.07.2022, Sh. J.S. Sindhu, Executive Engineer (Monitoring) briefed about the facts of the case.

Due to administrative work of the authority, the matter is adjourned to 27.07.2022.

20. Major Deficiencies/Observations

1. Online corrections in REP-I (Part A-H) needs to be done. The corrections are marked on the hard copy of the REP-I (Part A-H) and also mentioned above and conveyed to the promoter.
2. Corrections in online detailed project information needs to be done on the HARERA website link "http://hrera.in/app1/sign_up". The corrections are marked on the hard copy of the DPI and conveyed to the promoter. Deficiencies are mentioned below:

Part-A Project Proponents

3. Project proponent form needs to be provided for the project consultant and passport of the consultant needs to be submitted.

Part-E-Project Cost/sale Proceeds

4. Cost of land needs to be mentioned as per sale deed.
5. Interest cost to financial institution needs to be clarified.
6. Conversion charges and license fees needs to be mentioned as per LOI.
7. Copy of payment challan of Rs. 1,46,89,578/- needs to be submitted.
8. Annual report for the preceding three years needs to be submitted.
9. Deed of hypothecation or mortgage deed needs to be submitted.
10. CHG-1 form filled with MCA needs to be submitted.
11. Loan sanction letter needs to be submitted for the loan of Rs. 100 crores as mentioned in Part-D of DPI.
12. Interest cost to financial institution needs to be clarified.
13. Saleable area of commercial component needs to be corrected.
14. Financial resources of the project need to be clarified.
15. CA Certificate for the equity infused by the promoter needs to be provided.



Part-H- Separate bank account details

16. Affidavit by the promoter Keeping in view the provisions of section 4 (2) (l) (D) of the Real Estate (Regulation & Development) Act, 2016 needs to be submitted. (Annexure D5)
17. Bank undertaking needs to be revised. (Annexure D6)
18. Board resolution authorizing to operate the bank account needs to be submitted.
19. 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.
20. Non-Default certificate needs to be revised.
21. CA certificate for expenditure incurred up to the date of registration needs to be submitted.
22. Deficit fees of ₹8,98,344/- needs to be paid as per the submitted site plan.
23. Entry of collaboration agreement in revenue record needs to be done.
24. Copy of LC-IV B needs to be submitted. (Annexure A3)
25. Collaboration agreement needs to be clarified regarding clause 4.2, 4.4, 12, 13 and 15.4. clause regarding irrevocable of the agreement needs to be mentioned. (Annexure A5)
26. Approval/assurance for water supply, sewage disposal, storm water drainage from competent authority needs to be submitted.
27. Details of inventory unit wise including unit no., floor no., tower name, size of unit, average rate and total consideration needs to be submitted.

Folder A

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

28. Project report not submitted (Annexure A6)
29. Mutation, Akshjra duly certified by revenue officer six months prior to date of application needs to be provided. Annexure A8, A9)
30. REP-II needs to be revised. (Annexure A15)
31. Information to revenue department about the fact that project land licensed and bonded for setting up of a colony not informed to the revenue department for entry in the record of ownership not submitted. (Annexure A10)
32. Land title search report needs to be revised. (Annexure A11)
33. Copy of AAI NOC not submitted.
34. Copy of mining permission not submitted.
35. Copy of approved environment clearance not submitted. (Annexure A15)
36. Copy of approved fire scheme approval along with plans not submitted. (Annexure A17)
37. Copy of approved building plan approval (BR-III) not submitted. (Annexure A18)
38. Copy of approved 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)
39. Copy of approved electrical load availability needs to be submitted. (Annexure A20)
40. Copy of natural conservation zone NOC needs to be submitted. (Annexure A21)
41. Copy of power line shifting NOC needs to be submitted. (Annexure A25)
42. Copy of HUDA construction water NOC not submitted. (Annexure A25)

Folder B



Project proponents

43. Corrections in the project proponent form needs to be done.
44. Details of real estate agents not provided.

Folder C

Various plans to be annexed

45. Copy of demarcation plan not submitted. (Annexure C2)
46. Copy of superimposed demarcation plan on approved site plan on A1 sheet not submitted. (Annexure C14)
47. Road connectivity map showing existing and proposed road along the site needs to be submitted.
48. PERT Chart needs to be submitted. (Annexure C15)
49. Brochure of "Aviana Greens" needs to be submitted.

Folder D

Financial Documents and Allottee related draft documents

50. Copy of approval letter obtained from banks for home loan tie-up needs to be submitted. (Annexure D3)
51. Draft Application form, Allotment letter, conveyance deed, payment plan and payment receipt, builder buyer agreement in the prescribed format need to be submitted. (D15, D16, D17, D18, D19)

Asha
(Asha)

Chartered Accountant

J.S. Sindhu
(J.S. Sindhu)

Executive Engineer (Monitoring)

Day and Date of hearing

Wednesday and 27.07.2022

Proceeding recorded by

Ram Niwas

PROCEEDINGS OF THE DAY

Proceedings dated: 27.07.2022

Sh. J.S. Sindhu, Executive Engineer (Monitoring) briefed about the facts of the case.

None appeared on behalf of the promoter. Even on other dates of hearing, no reply has been received till date despite Authority's clear instructions.

In spite of 9 hearings the promoter failed to rectify the deficiencies and submit deficit documents. Regarding land title no response has been received from the promoter as well the objector. The Authority decided to reject the application with a liberty to file afresh after requisite documents are submitted and approvals are obtained. Only processing fee will be forfeited.

V. I. - 2
(Vijay Kumar Goyal)

Member, HARERA, Gurugram

Dr. Krishana Kumar Khandelwal
(Dr. Krishana Kumar Khandelwal)
Chairman, HARERA, Gurugram