



AGENDA OF THE MEETING

DATED: 16.10.2020.

ITEM NO.		
SUBJECT	Application for registration of DDJAY project " Yash Vihar " in Sector-5, Pataudi, Gurugram being developed by M/s KSD Buildtech Pvt. Ltd.	
APPLICATION DETAILS		
1.	Application for registration (for whole project/ phase)	Whole Project
2.	Name of the project	Yash Vihar
3.	(a) Total licensed area of the project	7.7 Acres
	(b) Area applied for registration	7.7 Acres
4.	Location of the project (location of the project is to give as phase is part of the project even if phase is to be registered)	Sector-5, Pataudi, Gurugram
5.	Status of the project (status of the project is to be given not of the phase even if phase is to be registered) (New/ Ongoing) Definition of ongoing project as provided in rule 2(o) ¹	New project
6.	Planning area	GMUC -2031 AD
CASE HISTORY		
Sr. No.	File status	Date
1.	Application for registration received on	29.11.2019
2.	Deficiency Conveyed on	09.12.2019

¹ "on-going project" means a project for which a license was issued for the development under the Haryana Development and Regulation of Urban Area Act, 1975 on or before the 1st May, 2017 and where development works were yet to be completed on the said date



3.	First Hearing on	16.12.2019
4.	Hearing on	23.12.2019 (adjourned)
5.	Hearing on	20.01.2020
6.	Hearing on	03.02.2020
7.	Hearing on	09.06.2020
8.	Hearing on	22.06.2020
9.	Notice Sent on	25.06.2020
10.	Hearing on	27.07.2020
11.	Hearing on	04.08.2020
12.	Online corrections made on	16.10.2020
13.	Deficiencies removed and completion of the application on	16.10.2020

DETAILS

DETAILS OF THE PROJECT PROMOTER

The application under section 4 of the Real Estate (Regulation & Development) Act, 2016, has been received in the authority for registration of real estate project/phase (whichever is applicable) having following details:

1.	Name of the applicant-promoter	M/S KSD Buildtech Pvt Ltd.
2.	Legal capacity to act as applicant promoter	License holder
3.	Status of the promoter	Company
4.	Registered address	SCO-35, sector- 15, Gurugram, Haryana-122001

PROJECT AND FEE DETAILS

1.	Details of the project (as a whole)		
	Sr. No.	Particulars	Details
	1.	Name of the project	Yash Vihar
	2.	Location of the project	Sector 5, Pataudi, Gurugram



3.	(a)	Whether project is to be implemented in one go or in phases	One go
	(b)	No. of Phases	N/A
	4.	Licence no. and date of validity	94 of 2017 dated 06.11.2017
	5.	Total licensed area of the project	7.7 Acres
	6.	Area for registration	7.7 Acres
	7.	Nature of the project	Plotted Colony under DDJAY
	8.	Name of the license holder	M/S KSD Buildtech Pvt Ltd.
	9.	Name of the collaborator (if any)	N/A
	2. Details of the phase to be registered - NA		
Sr. No.	Particulars		Details
1.	Name of the phase to be registered		N/A
2.	Phase no. for which registration applied		N/A
3.	Area of phase for registration		N/A
4.	Nature of the phase		N/A
3. Fee details			
1.	Fee details		
	(a)	Registration fee	₹ 355,528/-
	(b)	Late fee	NA
	(c)	Processing fee	₹ 311,607/-
	(d)	Total	₹ 667,135/-
	(e)	Deficient amount	₹ 167,135/-
2.	DD Details		
	(a)	DD amount	1. Rs 5,00,000/- 2. Rs 1,67,135/- 3. Rs 180/- 4. Rs 3,11,607/-
	(b)	DD no. and date	1. 002565 dated 15.11.2019 2. 002629 dated 17.01.2020 3. 002727 dated 17.07.2020 4. 002783 dated 12.10.2020



	(c)	Name of the bank issuing	The Nainital Bank Ltd	
ONLINE APPLICATION SCRUTINY				
1.	Whether the applicant has applied for the registration on official website of the Haryana Real Estate Regulatory Authority, Gurugram.		YES	NO
			√	
2.	Unique no. generated online		RERA-GRG-PROJ-347-2019.	
3.	Whether the hard copy of the online application REP-I finally corrected and authenticated by promoter?		YES	NO
			√	
4.	The status of mandatory plans to be uploaded online before registration is as under:			
	Sr. No.	List of plans	Tick if provided	Date of upload document
	1.	Layout plan	√	20.11.2019
	2.	Demarcation plan	√	24.11.2019
	3.	Zoning plan	√	16.10.2020
	4.	Building plans includes following	N/A	
	4.1	Site plan	N/A	
	4.2	Floor plan	N/A	
	4.3	Apartment plans	N/A	
	4.4	Elevation section	N/A	
	4.5	X-section plan	N/A	
	4.6	Structural plan	N/A	
	4.7	Parking plan	N/A	
	5.	Service plans and estimates		
	5.1	Roads and pavement plan	√	16.10.2020
	5.2	Electricity supply plan	√	16.10.2020
	5.3	Water supply plan	√	14.10.2020
	5.4	Sewerage plan	√	16.10.2020
	5.5	Solid waste management plan	√	16.10.2020



	5.6	Storm water drainage plan	√	16.10.2020
	5.7	Street light plan	√	14.10.2020
	5.9	Landscape plan	√	16.10.2020
	5.9	10% land transferred to the govt. for community facility	N/A	
	5.10	Copy of super imposed demarcation plan on the approved layout plan	√	16.10.2020
Note: Sr. no. 5.1 to 5.10 are part of the service plans and estimates submitted by the promoter to the competent authority for approval. Till approval is received the promoter should upload above plans as prepared by him and submitted to competent authority for approval. As and when approval is received the copy of the approved plan be uploaded online.				
5.	The status of mandatory documents to be uploaded online before registration is as under:			
	Sr. No.	List of documents	Tick if provided	Date of upload document
	1.	Copy of license along with schedule of land	√	20.11.2019
	2.	Documents relating to the entry of license and collaboration agreement in the revenue record	√	12.09.2020
	3.	Non-default certificate from a chartered accountant	√	24.11.2019
	4.	Cash flow statement of the proposed project	√	16.10.2020
	5.	Certificate from a chartered accountant certifying that the information provided by the applicant in form REP-1 is correct as per the books of accounts/balance sheet of the applicant	√	24.11.2019
6.	The documents uploaded online have been checked and same are found in order.			YES
7.	The hard copy of online application i.e. REP-I (Part A-H) is in the proper format and all required details have been provided.			PROVIDED
8.	Following are the deficiencies in the online application form:			
	Sr. No.	Status of deficiencies in online application		




1.	Online deficiencies have been corrected on 16.10.2020.					
DETAILED PROJECT INFORMATION: SCRUTINY						
9.	One set of DPI in the proper format has been received and checked. All the necessary details have been provided and found to be in order. DPI along with annexures is placed before the authority for consideration.					
10.	Details of statutory approvals.					
10.1	Statutory approvals required prior to registration					
	Sr. No.	Particulars	Approval no.	Date	Valid upto	Remarks
	1.	License approval	94 of 2017	06.11.2017	05.11.2022	
	2.	Zoning plan approval	ZP-1284	12.09.2019		
	3.	Site plan approval	DTCP-6124	25.10.2017		
	4.	Environment Clearance approval	N/A			
	Note: In case of affordable housing environmental clearance is to be obtained within the years of license and before start of construction.					
10.2	Approvals either applied for or obtained prior to registration. (These approvals if applied be obtained within three months of issue of registration certificate. After approval intimation, be given to the authority and online updation be done.)					
	1.	Airport height clearance	N/A			
	2.	Fire scheme approval	N/A			
	3.	Service plan estimates approval	Applied			Applied
	4.	Electrical load availability connection	Applied on 20.07.2017			Applied
10.3	Mandatory approvals if applicable and required before construction can be started. (These may be either applied or obtained prior to registration. The applied permissions be obtained within three months of issue of registration certificate.)					
	1.	Forest NOC	N/A			



		2.	Natural conservation zone NOC	Memo No. DTP(G)/2018/62/14	11.06.2018		
		3.	Tree cutting permission from DFO NOC	Undertaking Enclosed	NA		
		4.	Forest land diversion	NA	NA		
		5.	Power Line shifting NOC	NA	NA		
	11. (a)	Additional scrutiny and verification by Planning Executive					
		Sr. No.	Description	Scrutiny			
		1.	Land title of the project - whether title deeds, mutation, jamabandi and aks-shijra duly certified by revenue officer six months prior to date of application are attached.	YES			
		2.	License validity - if expired, whether renewal application submitted to DTCP along with payment of requisite fee	Valid upto 05.11.2022			
		3.	In case promoter is other than licensee - confirm collaboration/ development agreement as below: -	NA			
		3.1	Collaboration agreement - registered or not	NA			
		3.2	Whether it is irrevocable	NA			
		3.3	Whether it provides marketing right to developer	NA			
		3.4	Verify and report - any other restricting clause in such agreement	NA			
		4.	Whether beneficiary interest permission in favor of promoter - approved by DTCP is attached.	NA			
		5.	Whether non-encumbrance certificate issued by tehsildar/ revenue officer is submitted.	YES			
		6.	In case of encumbrance whether prescribed form filed with registrar of companies for creation of charge	NA			



		7.	Whether the land title search report is in order	YES
		8.	Whether permission for phase has been obtained from DTCP Haryana	NA
	(b)	Comments of Planning Executive		
	Sr. No.	Deficiencies/Observations		
	1.	Approved Service estimates and plans has not been submitted.		
	2.	Electric Load availability has not been submitted.		
	3.	The promoter shall submit the approved service plan and estimates and Electric Load availability within 3 months of the issuance of registration certificate.		
				 Planning Executive
	12.	Scrutiny by Chartered Accountant		
		Description		Scrutiny
		Part - A - Project proponents		
	1.	Check company incorporation and object clause in memorandum & articles of association		OK
	2.	In case of change in name of entity, whether previous incorporation certificate/ identity document is attached		NA
	3.	Whether director's information as required alongwith supporting documents like address proof, PAN card, passport, etc. are attached?		OK
		Part - C - Project details		
	4.	In case land is encumbered, whether requisite charge is created in favor of lender? (Copy of form filed with ROC to be attached along with sanction letter of lender)		Non encumbrance certificate from Tehsildar is provided.
	5.	Whether supporting documents for land cost are attached?		YES
	6.	Whether infrastructure cost as mentioned is in line with supporting documents?		YES
	7.	Whether financial resources to meet the project cost are properly mentioned?		YES



8.	Whether all particulars in section are properly filled in and provided?	YES
Part - F - Project cost/ sale proceeds details		
9.	Whether all supporting documents for project cost are submitted?	YES
10.	Whether project report and supporting costing documents for internal development work are provided?	YES
11.	Whether construction cost & other details as mentioned are in line with details in other sections?	YES
PART - I - Separate bank account of project		
12.	Whether the 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.	Provided
13.	Whether details of all authorized signatories to operate the bank account are properly mentioned in prescribed format and required documents are submitted for same	Provided
Part - J - Quarterly schedule of physical and financial progress		
14.	Whether the financials details in summary sheet are properly filled in and duly authenticated?	NA
15.	Verify quarterly expenditure statement till end of project and ensure that all cost elements are captured therein	Provided.
16.	Verify quarterly source of funds till end of project and ensure that there is no inconsistency in same with summary details provided in section	Provided.
17.	Verify that sale numbers are matching with summary details in prescribed form	OK
18.	Verify net cash flow statement to ensure that it remains positive till end of project	OK
19.	Whether CA certificate for non-default in payment of debt obligations is provided	Provided.
20.	Verify financial statements for last three years of promoter and check for repayment of financial obligations, statutory dues. Any other adverse	Full financial report provided. Director's report & cash flow submitted.



		financial position as observed from financial statements is to be highlighted.	
	21.	Net worth of promoter (as per latest balance sheet)	As on 31/3/2019 INR.74.08 lacs
	Part - K - Additional details in case of ongoing project		
	22.	Whether financial and inventory details are verified by CA and CA certificate is issued in prescribed format?	N/A
	23.	Comments of Chartered Accountant	
		Sr. No.	Deficiencies/Observations
		1.	All the deficiencies are removed.
			<i>Ukanbaj</i> Chartered Accountant
13.	Scrutiny by Planning Executive		
	Sr. No.	Description	Scrutiny
	1.	Whether the collaboration agreement is registered?	N/A
	2.	Whether the collaboration agreement is irrevocable?	N/A
	3.	Whether the land mentioned in the collaboration agreement is same as mentioned in the license?	N/A
	4.	Whether the fact that project land licensed and bonded for setting up of a colony has been informed to the revenue department for entry in the record of ownership?	YES
	5.	Whether collaboration agreement gives right to develop, marketing, raising funds and allotment of real estate in totality?	N/A
	6.	Whether the sale agreement with the buyer by the beneficial interest permission holder i.e. promoter is entered into with the concurrence and signatures of licensee and collaborator (if any)?	N/A
			<i>Arush</i> Planning Executive



15. Conditions to be incorporated in the registration certificate:

1. The promoter shall strictly abide by the provisions of the Real Estate (Regulation and Development) Act, 2016 and the Haryana Real Estate (Regulation and Development) Rules, 2017 and the Haryana Real Estate Regulatory Authority, Gurugram (Registration of Projects) Regulations, 2018, and all such other regulations, orders, decisions and directions that may be issued by the authority from time to time and will not enter into any agreement with the buyer in breach of the said provisions.
2. The promoter shall strictly abide by the declaration made in the form REP-II
3. The promoter apart from the price of the apartments calculate for carpet area shall not demand or receive from the allottees any other cost, fee or charge under any name or definition except reasonable charges for maintenance of essential services and common facilities.
4. The promoter will not raise any loan against the project without prior approval of the authority.
5. The promoter shall create his own website within a period of one month containing information as mandated under regulation 14 of the Haryana Real Estate Regulatory Authority, Gurugram (Registration of Projects) Regulations, 2018 and update the same periodically but not later than every quarter, including the information relating to apartments sold/booked and expenditure made in the project.
6. A copy of the brochure and each advertisement(s) shall be submitted to the authority immediately after publication.
7. The promoter shall enter into an agreement for sale with the allottees as prescribed by the Government. Application form, allotment letter and conveyance deed shall be in format as specified in regulations and the necessary details shall also be incorporated by the promoter. Builder Buyer Agreement shall also be as prescribed in the Haryana Real Estate (Regulation and Development) Rules, 2017. The promoter shall also adopt and strictly abide by the model agreement for sale as provided in rule 8 of the RERA Rules dated 28.07.2017.
8. The applied phase for registration has to be connected with all facilities/services and it should be stand alone part of the project qualified to obtain occupation certificate independently.
9. The promoter shall not mortgage or create a charge on any apartment, plot or building, as the case may be, and if any such mortgage or charge is made or created then notwithstanding anything contained in any other law for the time being in force, it shall not affect the right and interest of the allottee who has taken or agreed to take such apartment, plot or building.
10. The promoter shall deposit seventy percent of the amounts realized by the promoter in a separate account to be maintained in a schedule bank to cover the cost of construction and the land cost to be used only for that purpose as per sub-clause (D) of clause (1) of sub-section (2) of section 4;

11.	Preferential location charges shall only be levied on such apartments, plots or buildings which are duly approved in the layout plan by the competent authority and the same shall have to be indicated at the time of registration of the project with the authority along with preferential location charges/special preferential location charges etc., otherwise no PLC chargeable from the allottees.
12.	The promoters shall submit list of apartments, plots or buildings sold through real estate agents along with details of the commission and details of the property at the time of submission of quarterly progress report.
13.	No separate EDC/IDC are payable by the allottees except the basic sale price on carpet area basis.
14.	The attention of the promoter is invited to the definition of common areas provided in section 2(n) of the Real estate (Regulation and Development) Act, 2016 and specifically community and commercial facilities as provided in real estate project are part of the common areas. Accordingly, these are to be transferred to the association of allottees or the competent authority as the case may be along with all other mentioned common facilities. Accordingly, the promoter is restrained to part away with such facilities with third party.
15.	The sale shall not be permitted through real estate agent without availability of prospectus/brochure containing necessary details and a set of drawing and approvals with the real estate agent registered with the HARERA. In case of engagement of real estate agent or change of real estate agent, the promoter shall inform the same to the authority.
16.	In future any new allotment in ongoing projects or new projects, the plot/apartment/or building shall be sold only on carpet area basis and not on super area basis and the rate shall be inclusive of all charges like including GST/PLC.
17.	There shall not be any subvention scheme for the registered project without prior approval of the authority.
18.	The promoter shall make available all the approved plans of the project on the project site.
19.	As per section 11, the promoter shall form an association of allottees or society or co-operative society, as the case may be, of the allottees, or a federation of the same shall be formed, within a period of three months of the majority of allottees having booked their plot/apartment/building and inform the authority about the AOA.
Additional Conditions	
20.	The promoter shall submit the approved service plan and estimates, Electric load availability within 3 months from the date of grant of registration certificate.

DECISION OF THE AUTHORITY

APPROVED

Sh. Subhash Chander Kush

Sh. Subhash Chander Kush
Member, HARERA, Gurugram

On leave

Sh. Samir Kumar
Member, HARERA, Gurugram

Dr. Krishana Kumar Khandelwal

Dr. Krishana Kumar Khandelwal
Chairman, HARERA, Gurugram

