



**HARERA**  
**GURUGRAM**

**HARYANA REAL ESTATE REGULATORY AUTHORITY**  
**GURUGRAM**

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

**AGENDA OF THE MEETING**

**DATED: 15.10.2020**

ITEM NO.			
SUBJECT	Application for registration of Residential Floors project "Moulsari Enclave" in Sector-24, Gurugram being developed by M/s DLF Home Developers Limited		
	<b>APPLICATION DETAILS</b>		
	1.	Application for registration (for whole project/ phase)	Whole Project
	2.	Name of the project	Moulsari Enclave
	3.	(a) Total licensed area of the project	1.035 acres (Floors on 10 residential plots of 5008 sqyds in DLF City Phase-III)
		(b) Area applied for registration	1.035 acres (Floors on 10 residential plots of 5008 sqyds in DLF City Phase-III)
	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- 24, 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) <sup>1</sup>	New
	6.	Planning area	Gurgaon - Manesar Urban Complex - 2031 A.D.
	<b>CASE HISTORY</b>		
	Sr. No.	File status	Date
	1.	Application for registration received on	08.10.2020
	2.	Deficiency Conveyed on	10.10.2020

<sup>1</sup> "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 1<sup>st</sup> May, 2017 and where development works were yet to be completed on the said date



	3.	Online corrections made on	16.10.2020	
	4.	Deficiencies removed and completion of the application on	16.10.2020	
<b>DETAILS</b>	<b>DETAILS OF THE PROJECT PROMOTER</b>			
	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 DLF Home Developers Limited	
	2.	Legal capacity to act as applicant promoter	Development Agreement Holder	
	3.	Status of the promoter	Company	
	4.	Registered address	1 <sup>ST</sup> Floor, DLF Gateway Tower R Block, DLF City Phase-III, Gurugram - 122002 Haryana	
	<b>PROJECT AND FEE DETAILS</b>			
	1.	<b>Details of the project (as a whole)</b>		
		<b>Sr. No.</b>	<b>Particulars</b>	<b>Details</b>
		1.	Name of the project	Moulsari Enclave
	2.	Location of the project	Sector-24, 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	N/A	
	5.	Total licensed area of the project	1.035 acres (Floors on 10 residential plots of 5008 sqyds in DLF City Phase-III)	
	6.	Area for registration	1.035 acres (Floors on 10 residential plots of 5008 sqyds in DLF City Phase-III)	
	7.	Nature of the project	Residential Floors	
	8.	Name of the license holder	N/A	



REGISTRATION NO. 753/2020  
DATE 30.09.2020

	9.	Name of the collaborator (if any)	N/A	
	10.	Development agreement holder	M/s DLF Home Developers Limited	
<b>2.</b>	<b>Details of the phase to be registered - NA</b>			
	<b>Sr. No.</b>	<b>Particulars</b>	<b>Details</b>	
	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	
<b>3.</b>	<b>Fee details</b>			
	1.	Fee details		
	(a)	Registration fee	Rs 2,30,826/-	
	(b)	Late fee	N/A	
	(c)	Processing fee	Rs 96,177/-	
	(d)	Total	Rs 3,27,003/-	
	(e)	Deficient amount	NIL	
	2.	DD Details		
	(a)	DD amount	Rs 3,41,700/-	
	(b)	DD no. and date	511099 dated 30.09.2020	
	(c)	Name of the bank issuing	ICICI Bank	
<b>ONLINE APPLICATION SCRUTINY</b>				
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-753-2020	
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	N/A	
2.	Demarcation plan	√	06.10.2020
3.	Zoning plan	√	06.10.2020
4.	Building plans includes following		
4.1	Site plan	√	16.10.2020
4.2	Floor plan	√	16.10.2020
4.3	Apartment plans	√	16.10.2020
4.4	Elevation section	√	16.10.2020
4.5	X-section plan	√	16.10.2020
4.6	Structural plan	√	16.10.2020
4.7	Parking plan	√	16.10.2020
5.	Service plans and estimates		
5.1	Roads and pavement plan	N/A	
5.2	Electricity supply plan	N/A	
5.3	Water supply plan	N/A	
5.4	Sewerage plan	N/A	
5.5	Solid waste management plan	N/A	
5.6	Storm water drainage plan	N/A	
5.7	Street light plan	N/A	
5.9	Landscape plan	N/A	
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	N/A	

**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.					
<b>5.</b>	<b>The status of mandatory documents to be uploaded online before registration is as under:</b>					
	<b>Sr. No.</b>	<b>List of documents</b>	<b>Tick if provided</b>	<b>Date of upload document</b>		
	1.	Copy of license along with schedule of land	N/A			
	2.	Documents relating to the entry of license and collaboration agreement in the revenue record	N/A			
	3.	Non-default certificate from a chartered accountant	√	06.10.2020		
	4.	Cash flow statement of the proposed project	√	06.10.2020		
	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	√	06.10.2020		
<b>6.</b>	<b>The documents uploaded online have been checked and same are found in order.</b>			YES		
<b>7.</b>	<b>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.</b>			YES		
<b>8.</b>	<b>Following are the deficiencies in the online application form:</b>					
	<b>Sr. No.</b>	<b>Status of deficiencies in online application</b>				
	1.	Online deficiencies are removed on 16.10.2020.				
<b>DETAILED PROJECT INFORMATION: SCRUTINY</b>						
<b>9.</b>	<b>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.</b>					
<b>10.</b>	<b>Details of statutory approvals.</b>					
	<b>10.1</b>	<b>Statutory approvals required prior to registration</b>				
		<b>Sr. No.</b>	<b>Particulars</b>	<b>Approval no.</b>	<b>Date</b>	<b>Valid upto</b>
						<b>Remarks</b>



		1.	License approval	N/A			
		2.	Zoning approval plan	MISC-2266/2016/23514-23547	26.10.2016		Common zoning plans issued for the purpose of Clause 2(1)(xciii) of HBC 2016
		3.	Building plan / site plan approval	T-8/2	19/03/2020	18/03/2022	
				T-8/3	21/04/2020	20/04/2022	
				T-8/4	27/04/2020	26/04/2022	
				T-8/5	27/04/2020	26/04/2022	
				T-8/6	27/04/2020	26/04/2022	
				T-8/7	27/04/2020	26/04/2022	
				T-8/8	27/04/2020	26/04/2022	
				T-10/2	22/02/2020	21/02/2022	
				T-10/5	20/03/2020	19/03/2022	
				T-10/6	12/03/2020	11/03/2022	
		4.	Environment Clearance approval	N/A			
	<b>10.2</b>	<b>Approvals either applied for or obtained prior to registration.</b> (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 clearance height	N/A			
		2.	Fire approval scheme	N/A			
		3.	Service plan estimates approval	N/A			
		4.	Electrical availability load connection	N/A			
	<b>10.3</b>	<b>Mandatory approvals if applicable and required before construction can be started.</b> (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	N/A	
		3.	Tree cutting permission from DFO NOC	N/A	
		4.	Forest land diversion	N/A	
		5.	Power Line shifting NOC	N/A	
11.	(a)	<b>Additional scrutiny and verification by Planning Executive</b>			
		<b>Sr. No.</b>	<b>Description</b>	<b>Scrutiny</b>	
		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.	N/A	
		2.	License validity - if expired, whether renewal application submitted to DTCP along with payment of requisite fee	N/A	
		3.	In case promoter is other than licensee - confirm development agreement as below: -		
		3.1	Collaboration agreement - registered or not	YES	
		3.2	Whether it is irrevocable	YES	
		3.3	Whether it provides marketing right to developer	YES	
		3.4	Verify and report - any other restricting clause in such agreement	NO	
		4.	Whether beneficiary interest permission in favor of promoter - approved by DTCP is attached.	N/A	
		5.	Whether non-encumbrance certificate issued by tehsildar/ revenue officer is submitted.	Not Provided	



	6.	In case of encumbrance whether prescribed form filed with registrar of companies for creation of charge	N/A
	7.	Whether the land title search report is in order	YES
	8.	Whether permission for phase has been obtained from DTCP Haryana	N/A
	<b>(b)</b>	<b>Comments of Planning Executive</b>	
		<b>Note: -</b>	
		The plots on which floors are being constructed forms part of plotted colony DLF City Phase-III, for which development works have been completed in 1990-1991 and the part completion certificates for the licences forming the plotted colony have been granted on 16.01.1990 and 24.05.1991.	
	<b>Sr. No.</b>	<b>Deficiencies/Observations</b>	
	1.	Ownership document has not been provided.	
	2.	Non-encumbrance certificate issued by tehsildar/ revenue officer has not been submitted. Hence an affidavit submitted by the promoter for the non-encumbrance.	
	<b>Note:</b>	<p>1. Regarding title documents the legal representatives of DLF namely Ms Anjana Bali, Head Legal, Gurugram, DLF Home Developers, Mr. Anish Dham, Asst. Vice President, DLF and Mr. Shivang Vashista explained before the hon'ble member Mr. Subhash Chander Kush and submitted two judgements namely</p> <ul style="list-style-type: none"> <li>i. High court judgement order dated 15.01.2019 in case no RSA-1381-1990 (O&amp;M) and RSA-1382-1990 (O&amp;M)</li> <li>ii. Supreme court judgement order dated 21.01.1966 in civil appeal no 299 of 1961.</li> </ul> <p>2. The hon'ble member directed Smt Geeta Rathi Singh (Legal Officer) to examine the documents/orders submitted by the legal head, DLF Home Developers Limited regarding Immovable property of the individual partners brought to the common pool of a partnership firm for the purpose of carrying out the business of the becomes the assets of the partnership firm. Section 14 of the Partnership Act, 1932 provides that "Subject to the contract between the partners, the property of the firm includes all property and rights and interest in the property originally brought into the stock of the firm or acquired by purchase or otherwise, by or for the firm for the purposes and incourse of the business of the firm...."</p> <p>(i) The hon'ble supreme Court in case titled Addanki Narayanappa and others vs Bhaskara Krishtappa and ors (AIR 1966 SC1300) has held that "Whatever may be the character of the property which is brought in by the partners when the partnership is formed or which may be acquired in the course of the business of the partnership, it becomes the property of the firm and whart a partner is entitled is his share of the profits, if any...."</p>	





(ii) The memorandum of partnership makes the intention of the partners to pool the property in the stock of the firm for the purpose of the business of the firm clear. Even the report of the legal consultant firm has categorically stated that no formality is required to carry out the said transfer of property by a partner in the name of the partnership firm and a mere expression of intention of the partner to transfer the property in the name of the partnership is more than sufficient.

In view of above delebration it has been found that in case of Immovable property of the individual partners brought to the common pool of a partnership firm for the purpose of carrying out the business of the becomes the assets of the partnership firm.

AUTHENTICATED  
*Rash*  
PLANNING EXECUTIVE


**12. Scrutiny by Chartered Accountant**

Description		Scrutiny
<b>Part - A - Project proponents</b>		
1.	Check company incorporation and object clause in memorandum & articles of association	Provided.
2.	In case of change in name of entity, whether previous incorporation certificate/ identity document is attached	Provided.
3.	Whether director's information as required alongwith supporting documents like address proof, PAN card, passport, etc. are attached?	Provided.
<b>Part - C - Project details</b>		
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)	N/A
5.	Whether supporting documents for land cost are attached?	Sale deed provided.
6.	Whether infrastructure cost as mentioned is in line with supporting documents?	Provided
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



<b>Part - F - Project cost/ sale proceeds details</b>		
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?	N/A
11.	Whether construction cost & other details as mentioned are in line with details in other sections?	YES
<b>PART - I - Separate bank account of project</b>		
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.	Not 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	Not Provided
<b>Part - J - Quarterly schedule of physical and financial progress</b>		
14.	Whether the financials details in summary sheet are properly filled in and duly authenticated?	Provided
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	N/A
18.	Verify net cash flow statement to ensure that it remains positive till end of project	Provided
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 financial position as observed from financial statements is to be highlighted.	Disputed statutory dues for the financial year 2019-20 is 1651.49 crores as per auditors report of the company.
21.	Net worth of promoter (as per latest balance	Net worth of the promoter



	sheet)	as per latest balance sheet is 7232.84 Crore only.	
<b>Part - K - Additional details in case of ongoing project</b>			
22.	Whether financial and inventory details are verified by CA and CA certificate is issued in prescribed format?	N/A	
23.	<b>Comments of Chartered Accountant</b>		
	<b>Sr. No.</b>	<b>Deficiencies/Observations</b>	
	1.	Board resolution of authorised signatory to operate the bank account needs to be provided along with their KYC.	
		<i>Wankar</i> <b>Chartered Accountant</b>	
13.	<b>Scrutiny by Planning Executive</b>		
	<b>Sr. No.</b>	<b>Description</b>	<b>Scrutiny</b>
	1.	Whether the collaboration agreement is registered?	Registered
	2.	Whether the collaboration agreement is irrevocable?	Yes
	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?	N/A
	5.	Whether collaboration agreement gives right to develop, marketing, raising funds and allotment of real estate in totality?	YES
	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)?	YES
			



**15. Conditions to be incorporated in the registration certificate:**

1. The promoter shall enter into an agreement for sale with the allottees as prescribed in The Haryana Real Estate (Regulation and Development) Rules, 2017.
2. The promoter shall offer to execute a registered conveyance deed of the apartment, plot or building, as the case may be, in favour of the allottee along with the undivided proportionate title in the common areas, applicable, to the association of allottees or competent authority, as the case may be, as provided under section 17 of the Act.
3. The promoter shall convey/allow usage of common areas, if applicable, as per Rule 2(1)(f) of the Haryana Real Estate (Regulation and Development) Rules, 2017.
4. 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 (I) of sub-section (2) of section 4.
5. The promoter shall comply with the provisions of the Real Estate (Regulation & Development) Act, 2016 and the Haryana Real Estate (Regulation and Development) Rules, 2017 and regulations made thereunder and applicable in the State.
6. The promoter shall not contravene the provisions of any other law for the time being in force as applicable to the project.
7. The promoter shall comply with all other terms and conditions as mentioned in the attached brief and as conveyed by the Authority from time to time. Additional terms and conditions given at the end of the attached brief and if any observation same may be rectified within three months.
8. 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.
9. 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.



	<p>10. No separate EDC/IDC are payable by the allottees except the basic sale price on carpet area basis.</p> <p>Attention is invited to model agreement for sale provided in the Haryana Real Estate (Regulation and Development) Rules, 2017. (Term 1.2)</p> <p>Explanation:</p> <p>(i) The Total Price as mentioned above includes the booking amount paid by the allottee(s) to the Promoter towards the Plot/Unit/Apartment for Residential/Commercial/Industrial/IT/any other usage (as the case may be) along with parking (if applicable);</p> <p>(ii) The Total Price as mentioned above includes Taxes (GST and Cess or any other taxes/fees/charges/levies etc. which may be levied, in connection with the development/construction of the Project(s)) paid/payable by the Promoter up to the date of handing over the possession of the Plot/Unit/Apartment for Residential/Commercial/Industrial/IT/any other usage (as the case may be) along with parking (if applicable) to the allottee(s) or the competent authority, as the case may be, after obtaining the necessary approvals from competent authority for the purpose of such possession:</p> <p>Provided that, in case, there is any change/modification in the taxes/charges/fees/levies etc., the subsequent amount payable by the allottee to the promoter shall be increased/decreased based on such change/modification.</p>
	<p>11. 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 if provided in real estate project are part of the common areas. Accordingly, if applicable, 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 (if applicable). Accordingly, the promoter is restrained to part away with such facilities with third party. Section 2(n) of the Real Estate (Regulation and Development) Act, 2016 is reproduced as under:</p> <p>“common areas” mean—</p> <p>(i) the entire land for the real estate project or where the project is developed in phases and registration under this Act is sought for a</p>



		<p>phase, the entire land for that phase;</p> <p>(ii) the staircases, lifts, staircase and lift lobbies, fire escapes, and common entrances and exits of buildings;</p> <p>(iii) the common basements, terraces, parks, play areas, open parking areas and common storage spaces;</p> <p>(iv) the premises for the lodging of persons employed for the management of the property including accommodation for watch and ward staffs or for the lodging of community service personnel;</p> <p>(v) installations of central services such as electricity, gas, water and sanitation, air-conditioning and incinerating, system for water conservation and renewable energy;</p> <p>(vi) the water tanks, sumps, motors, fans, compressors, ducts and all apparatus connected with installations for common use;</p> <p>(vii) all community and commercial facilities as provided in the real estate project;</p> <p>(viii) all other portion of the project necessary or convenient for its maintenance, safety, etc., and in common use;</p>
12.		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.
13.		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.
14.		There shall not be any subvention scheme for the registered project without prior approval of the authority.
15.		The promoter shall make available all the approved plans of the project on the project site.
16.		The promoter shall declare details of the floor along with specifications, payment plan and time for handing over of possession of unit after obtaining all required approvals from the competent Authority.

**DECISION OF THE AUTHORITY**



**HARERA**  
**GURUGRAM**

**APPROVED**

**Sh. Subhash Chander Kush**  
Member, HARERA,  
Gurugram

**Sh. Samir Kumar**  
Member, HARERA, Gurugram

**Dr. Krishana Kumar Khandelwal**  
Chairman, HARERA, Gurugram

