Project hearing brief

SN	Particulars	Details		
1.	**Name of the project**	Platinum Towers		
2.	**Name of the promotor**	M/s Essel Housing Projects Pvt. Ltd.		
3.	**Nature of the project**	Group Housing colony		
4.	**Location of the project**	Sector- 28, Gurugram		
5.	**Legal capacity**	Collaborator		
6.	**Name of the license holder**	21 of 2016- Moonlight Continental Pvt. Ltd in collaboration with 22 of 2016- Ranbir Singh, Ajay 32 of 2009 & 33 of 2009- Indian Airlines Pilots Cooperative House Building Society Ltd. 48 of 1995- Indian Airlines Pilots Cooperative House Building Society Ltd. (no collaborator) 61 of 2004- Indian Airlines Pilots Cooperative House Building Society Ltd. (no collaborator)		
7.	**Name of the Collaborator**	M/s Essel Housing Projects Pvt. Ltd.		
8.	**Status of project**	Ongoing		
9.	**Whether registration applied for whole/ phase**	Phase		
10.	**Online application ID**	RERA-GRG-PROJ-455-2019		
11.	**License no.**	21 of 2016 Valid till 16.11.2021 (0.1937 acres) 22 of 2016- Valid till 16.11.2021 (1.75 acres) 32 of 2009 & 33 of 2009- Valid till 10.07.2024 (2 acres & 1.625 acres) 48 of 1995- Valid till 19.12.1997 (26.75 acres) 61 of 2004- Valid till 31.05.2006 (4.20 acres)		
12.	**Total licensed area**	36.51 acres	**Area to be Registered**	5.56 acres
13.	**Statutory approvals either applied for or obtained prior to registration**			

i)	**License Approval**	**Date of approval**	**Validity upto**
		11.07.2009 17.11.2016 17.11.2016	10.07.2024 16.11.2021 16.11.2021
ii)	**TOD Permission for increase in FAR**	10.09.2019	
iii)	**Zoning Plan Approval**	10.09.2019	
iv)	**Building plan Approval**	09.06.2020	08.06.2025
v)	**Environmental Clearance**	15.10.2013 15.05.2018	14.05.2025
vi)	**Airport height Clearance**	21.06.2016	21.06.2021
vii)	**Fire Scheme approval**	10.08.2020	
viii)	**Service plan and estimate approval**	03.09.2020	

14.	**File Status**	**Date**
	Project received on	07.12.2020
	1st deficiency notice sent on	17.12.2020
	1st hearing on	28.12.2020
	Reply submitted on	23.12.2020
	2nd hearing on	14.01.2021
	Reply submitted on	19.01.2021
	3rd hearing on	08.08.2022
	4th hearing on	22.08.2022
	5th hearing on	06.09.2022
15.	**Projected date of completion of the project**	30.06.2024
16.	**Present stage of completion for ongoing projects (%)**	Ongoing Project
17.	**(Sold units - in case of ongoing/ unsold units)**	51 sold units, 213 unsold units Total 264 units (12 EWS), 5 commercial shops
18.	**Detail of encumbrances**	ROC form submitted Amount of loan borrowed- 55 crore Details of assets mortgaged- Project land mortgaged Period of loan- Jan 2021 to Feb 2024
19.	**Remarks**	
	Case History:	

An application regarding registration of group housing colony project namely "Platinum Towers" situated at sector 28, Gurugram being developed by M/s Essel Housing Projects Pvt. Ltd was submitted on 17.12.2020 under section 4 of Real Estate (Regulation and Development), Act 2016.

This application for registration of group housing residential colony has been licensed vide license no. mentioned below:

I. 21 of 2016 Valid till 16.11.2021 (0.1937 acres)
II. 22 of 2016- Valid till 16.11.2021 (1.75 acres)
III. 32 of 2009- Valid till 10.07.2024 (2 acres)
IV. 33 of 2009- Valid till 10.07.2024 (1.625 acres)
V. 48 of 1995- Valid till 19.12.1997 (26.75 acres)
VI. 61 of 2004- Valid till 31.05.2006 (4.20 acres)

The total area of all the license is 36.518 acres. The promoter applied for the registration of the phase admeasuring 5.56 acres (FAR- 35,264.962 Sq mtrs.) which is already registered vide registration no. HARERA/GGM/2018/04, dated 16.05.2018.

After that the promoter has obtain additional FAR of 27,270.622 sqm under TOD permission vide memo no. LC-224-F-Asstt.(RK)/2019/21990 dated 10.09.2019 over a part of phase bearing license no. 32 of 2009 and 21 & 22 of 2016. The building plan was revised vide memo no. ZP-20/VOLIII/JD(AS).2020/9591 dated 09.06.2020 for the total revised FAR of 62,535.584 sqm.

After the scrutiny of the application, deficiencies were noticed, which were conveyed to the promoter vide notice no. HARERA/GGM/RPIN/279 dated 17.12.2020 with directions to remove the deficiencies latest by 24.12.2020. Also, an opportunity of hearing was given on 28.12.2020.

On 28.12.2020, the above listed deficiencies conveyed to the promoter and directed the promoter to remove the deficiencies before the next hearing date. Matter was adjourned for 01.02.2021.

On 01.02.2021, The authority decided to keep the matter in sine die and should wait for reply of the reference sent to the Director, Town and Country Planning, Govt. of Haryana, Chandigarh for clarification and guidance in the matter.

The promoter submitted a reply on 22.07.2022, which was scrutinized and found that the promoter submitted the consent of 38 allottees. The hearing is fixed for 08.08.2022.

On 08.08.2022, Sh. J.S. Sindhu, Executive Engineer (Monitoring) briefed about the facts of the case.

Sh. Ravi Kant Kumar (Manager) and Sh. Navneet Kumar (GM) are present on behalf of the promoter.

The AR of the promoter confirms that consent of all the allottees of units sold prior to availing of TOD has been obtained and submitted in the office of the phase registered vide registration no. RC-REP HARERA/GGM/2018/04, dated 16.05.2018. Further at the time of this registration as well as sale to the allottees, it was clarified that the promoter is seeking additional FAR under TOD on the above phase and the allottees have consented in the BBA as well. A public notice for their inspection/objections if any be issued by the office giving 10 days' time for the same.

The AR further confirms that no sale has been made w.r.t. the additional area availed under TOD and an affidavit to this effect shall be submitted within one week. The AR further confirms that the issue of allowing TOD on this separate phase has already been settled by the order of ACS TCP dated

	16.03.2022 passed in Appeal No. 30 and 33 of 2021 and office to link up with same and to put up in light of above as well linking the previous reference made to DTCP seeking clarification. The AR to rectify the above deficiencies as well as including payment of deficit fees after its reconciliation with the CA of the Authority. The AR also confirms that both the license No. 21 and 22 of 2016 have been renewed by DTCP and the renewal order is under signature of DTCP and its copy will also be submitted with other pending documents. The matter to come up on 22.08.2022. On 22.08.2022 Ms. Geeta Rathee Singh, Sr. L.O. and Sh. J.S. Sindhu, Executive Engineer (Monitoring) briefed about the facts of the case. Sh. Ravi Kant (Manager BD) and Sh. S.K. Gupta (Legal Head) are present on behalf of the promoter. During the last hearing on 08.08.2022, the promoter was required to submit an affidavit confirming that no sale has been made w.r.t. the additional area availed under TOD, the copy of renewed license by DTCP and payment of deficit fees after its reconciliation with the Authority. The AR confirms that the requisite affidavit has been filed in the registry of the Authority on 18.08.2022 along with copy of renewed license vide which DTCP has granted renewal of license No. 21 of 2016 and 22 of 2016 upto 16.11.2024. However, the issue of deficit fee is yet to be reconciled with the CA of the Authority. The promoter is submitting the DPI and which be checked by the office. Further the Authority was to issue a public notice informing the allottees of the Platinum Tower (as per earlier allowed FAR of 175 percent.) for inspection of the consents as well plans etc. and objections, if any. However, the Authority has issued the public notice only on 18.08.2022 vide which the time for above objections has been given upto 05.09.2022. Therefore, in view of the fulfilment of the requirements except for above remaining compliances, the Authority is in agreement in principle for registration of additional FAR allowed under TOD policy of State Government subject to above compliances and decision on objections if received any withing above stipulated period. In meanwhile the office to also link up the orders of ACS TCP dated 16.03.2022 passed in Appeal No. 30 and 33 of 2021 and to put up in light of above as well linking the previous reference made to DTCP seeking clarification including payment of deficit fee after its reconciliation. The matter to come up on 06.09.2022.
20.	As per reply dated 22.07.2022, the documents which are submitted are as follows: 1. Statement of accounts by PNB Housing Finance Limited needs to be revised, sanction loan amount needs to be rectified. Status: Provided. 2. REP-II needs to mention details of encumbrance on land. Status: Submitted. 3. Builder buyer agreement as per prescribed format needs to be submitted. Terms and conditions of the submitted BBA is not matching with the prescribed format. BBA with the buyer by the promoter shall be entered into with the concurrence and signatures of licensee.

Status: Submitted, BBA for commercial shops not submitted.

4. Revised Allotment letter, payment plan needs to be submitted.
   Status: Submitted.
5. Project cost project needs to be corrected in DPI.
   Status: corrected.

The following documents which are still pending:

1. Online DPI needs to be submitted.
   Status: Submitted.
2. The annexures in the online form (A-H) as well as corrections needs to be done.
   Status: Submitted.
3. Copy of approved electrical load availability NOC not submitted.
   Status: Submitted the Copy of Electrical Load sanction by DHBVN vide letter no. Ch-89/SE/R-APDRP/OLNC- HT/GGN-II/SOL-804 dated 03.05.2022.
   Copy of Approval of Electrical Drawings by Office of Chief Electrical Inspector, Govt. of Haryana, Chandigarh vide letter no. D/1406 dated 26.07.2022
4. Details of sold and unsold inventory unit wise needs to be submitted.
   Status: Submitted the Affidavit with respect to No sale of Units of the aforesaid project "Platinum Towers" which is approved using the additional FAR of 27,270.622 Sqm.
5. Deficit fee of Rs 10,94,948/- not paid.
   Status: The CA has re-checked /re-calculated the amount and as per same there is no deficit fees after charging processing fees for the entire area and registration fees for the additional FAR allowed by DTCP
6. Revalidated Airport height clearance needs to be submitted.
   Status: Submitted the Copy of Revalidation height NOC by Airport Authority of India vide letter no. AAI/RHQ/NR/ATM/NOC /REVALIDATION /2016/ 114 / 1696 -1699 dated 07.07.2022.
7. License no. 21 of 2016 and 22 of 2016 expired on 16.11.2021 which needs to be revised.
   Status: Submitted the Copy of Renewal of License No. 21 of 2016 dated 17.11.2016
   Vide letter LC-224F/ JE(S) / 2021/ 20762 dated 18.07.2022
   License No. 22 of 2016 has been renewed by DTCP and now same is now valid upto 16.11.2024 .

Further a public notice was issued on 19.08.2022 inviting objections if any from existing allottees of the Platinum towers upto 05.09.2022. The registry has confirmed that no objection from any allottees has been received till date except for one objection from Sh. Ranbir Singh and Sh. Ajay Singh who are the part land owner licensees and are primarily disputing the proportion of share in the saleable area. However, they have filed the objection not as allottees but as a landowner licensee. Further the said objection has already been considered in detail in an appeal filed before Additional Chief Secretary, Haryana, T&CP Department and a detailed order dated 16.03.2022 has already been decided by ACS TCP and further the above land owners have preferred a writ petition before Hon'ble Punjab & Haryana High Court. Accordingly the area allocation interse landowner and licensee and collaborator shall be as per the decision of the Hon'ble High Court. In view of the same

recommended for grant of registration for additional FAR allowed by DTCP under TOD policy of the State Government. The date of completion declared by builder for this additional area remains the same as for the earlier registered area. The Authority may consider incorporation of this additional area in the original registration certificate.

(Asha)
Chartered Accountant

(J.S. Sindhu)
Executive Engineer (Monitoring)

Day and Date of hearing	Monday and 06.09.2022
Proceeding recorded by	Ram Niwas

PROCEEDINGS OF THE DAY

Proceedings dated: 06.09.2022

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

Sh. Ravi Kant (Manager BD) and Sh. S.K. Gupta (Legal Head) are present on behalf of the promoter.

Approved as proposed. Accordingly, the Authority decided to incorporate additional area in already registered area.

(Sanjeev Kumar Arora)
Member, HARERA, Gurugram

(Ashok Sangwan)
Member, HARERA, Gurugram

(Vijay Kumar Goyal)
Member, HARERA, Gurugram

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