

**Project hearing brief**

S.No.	Particulars	Details		
1.	Name of the project	Elan Paradise		
2.	Name of the promoter	M/s Elan Ltd.		
3.	Nature of the project	Commercial project		
4.	Location of the project	Sector- 50, Gurugram		
5.	Legal capacity to act as a promoter	Collaborator		
6.	Status of project	Ongoing		
7.	Whether registration applied for whole	Whole Project		
8.	Online application ID	RERA-GRG-PROJ-1062-2022		
9.	License no.	32 of 2020 dated 31.10.2020	Valid upto 30.10.2025	
		29 of 2021 dated 22.06.2021	Valid upto 21.06.2026	
10.	Total licensed area	3.35 acres	Area to be registered 3.35 acres	
11.	Statutory approvals either applied for or obtained prior to registration			
	S.No	Particulars	Date of approval	Validity upto
	i)	License Approval	32 of 2020 dated 31.10.2020 29 of 2021 dated 22.06.2021	30.10.2025 21.06.2026
	ii)	Zoning Approval Plan	ZP-1452/AD(RA)/2021/21872 dated 01.09.2021	
	iii)	Building Approval plan	ZP-1452/AD(RA)/2022/11460 dated 27.04.2022	26.04.2027
	iv)	Environmental Clearance	SEIAA(128)/HR/2021/612 dated 09.07.2021	08.07.2028
	v)	Airport height clearance	AAI/RHQ/NR/ATM/NOC/2022/195/780-783 dated 13.04.2022	12.03.2030
	vi)	Revised Fire scheme approval	FS/2022/107 dated 09.06.2022	
	vii)	Revised Service plan and estimate approval	Applied	
12.	Fee Details			
	Registration Fee	25351.493*1.87*20 = Rs. 9,48,145.83/-		
	Processing Fee	25351.493*10 = Rs 2,53,514.93/-		
	Late Fee	NIL		
	Total Fee	Rs 12,01,660.76/-		
13	DD amount	1. Rs 4,86,000/-		

		2. Rs 7,15,700/-
	<b>DD no. and date</b>	1. 060863 dated 30.04.2022 2. 060913 dated 26.05.2022
	<b>Name of the bank issuing</b>	HDFC Bank
	<b>Deficient amount</b>	NIL
<b>14.</b>	<b>File Status</b>	<b>Date</b>
	<b>File received on</b>	05.05.2022
	<b>First notice Sent on</b>	23.05.2022
	<b>First hearing on</b>	30.05.2022
	<b>Second hearing on</b>	13.06.2022
	<b>Third hearing on</b>	27.06.2022
	<b>Fourth hearing on</b>	04.07.2022
<b>13.</b>	<b>Status of Documents</b>	<ol style="list-style-type: none"> <li>1. The annexures in the online application are not uploaded as well as the correction needs to be done in the online (A-H). Status: Submitted for correction.</li> <li>2. Online DPI needs to be corrected. Status: Submitted but needs to be revised.</li> <li>3. Revised approved Service Plan and Estimates needs to be submitted. Status: Applied on 28.04.2022, copy submitted.</li> <li>4. Cost of land needs to be clarified. An annexure in support of the same needs to be submitted. Status: As per collaboration agreement developer will be share to the land owner 33% of total developed area of the project. Hence cost of land for the developer would be nil.</li> </ol>
	<b>Deficit Documents</b>	<ol style="list-style-type: none"> <li>1. The annexures in the online application are not uploaded as well as the correction needs to be done in the online (A-H) -</li> <li>2. Online DPI needs to be corrected- Corrections have been made and to be checked by PE.</li> <li>3. Revised approved Service Plan and Estimates needs to be submitted.</li> <li>4. Cost of land needs to be clarified. An annexure in support of the same needs to be submitted.</li> </ol>
	<b>Day and Date of hearing</b>	Monday and 27.06.2022
	<b>Proceeding recorded by</b>	Ram Niwas

### Case History:

The Promoter M/s Elan Ltd. who is a collaborator applied for the registration of real estate commercial colony namely "Elan Paradise" located at Sector-50, Gurugram under section 4 of the Real Estate (Regulations and Development) Act, 2016 vide central receipt no. 32147 dated 05.05.2022 and RPIN-459. The Temp I.D. of REP - I (Part A-H) is RERA -GRG-PROJ-1062-2022. The project area for registration is same as that of the licensed area i.e., 3.35 acres vide License no -32 of 2020 dated 31.10.2020 for an area 2.0 acres and license no 29 of 2021 dated 22.06.2021 for an area 1.35 acres.

**Email :** hareragurugram@gmail.com, reragurugram@gmail.com, **Website :** www.harera.in  
An Authority constituted under section 20 the Real Estate (Regulation and Development) Act, 2016  
Act No. 16 of 2016 Passed by the Parliament

पू-संपदा (विनियमन और विकास) अधिनियम, 2016 की धारा 20 के अर्जस्त गठित प्राधिकरण

भारत की संसद द्वारा पारित 2016 का अधिनियम संख्यांक 16

The license no. 32 of 2020 dated 31.10.2020 for an area 2.0 acres was already registered vide registration number RC/REP/HARERA/GGM/447/179/2021/15 dated 22.03.2021 which was valid upto 30.09.2025. The building plans of the earlier approved area is changed. However, the promoter applied for the registration of whole area i.e., 3.35 acres.

The application for registration was scrutinized and 1st deficiency notice vide notice no. HARERA/GGM/RPIN/459 dated 23.05.2022 was issued to the promoter with an opportunity of being heard on 30.05.2022.

The promoter submitted a reply on 26.05.2022 which was scrutinized and the remaining deficiencies were conveyed to the promoter.

On 30.05.2022, the authority directed the promoter to submit the deficit fee along with the deficit documents. Apart from rectifying the above deficiencies including the deficit fee of Rs. 7,15,661/- the promoter is advised to submit a certificate from the concerned branch regarding submission of the annual audit report of project accounts in respect of projects registered till 31.03.2021 and QPRs of the projects of the promoter till last quarter is to be submitted.

The matter to come up on 13.06.2022.

The promoter submitted a reply on 03.06.2022 which was scrutinized and the remaining deficiencies were conveyed to the promoter.

The promoter submitted a reply on 10.06.2022 which was scrutinized and the remaining deficiencies were conveyed to the promoter.

On 13.06.2022, The coram is incompleated. The matter is adjourned for 27.06.2022.

The promoter submitted a reply on 23.06.2022 which was scrutinized and the remaining deficiencies were conveyed to the promoter.

On 27.06.2022, The authority directed the promoter to submit the deficit documents along with the corrections in Online DPI and online form (A-H).

The authority also directs the promoter to submit the Bank Guarantee of Rs 25 Lakhs as a guarantee for the submission of the revised service plan and estimates within 3 months from the issuance of registration certificate.

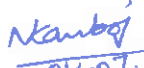
The AR is further directed to complete the pending QPRs and submission of annual audit reports in respect of the projects already registered by the Authority and to submit a confirmation to this effect from the concerned office alongwith requisite BG before the registration of the project may be allowed.

The matter to come up on 04.07.2022.

The remaining deficiencies are mentioned below:

1. The annexures in the online application are not uploaded as well as the correction needs to be done in the online (A-H) – The AR submits that corrections have been made along with submission of legible copies of the plans – To be checked by PE.
2. Online DPI needs to be corrected- Corrections have been made and to be checked by PE.
3. Approved Service Plan and Estimates needs to be submitted – The AR requests for grants of 3 months' time for submission of requisite approvals and shall submit BG/DD of Rs. 25 lakhs as an assurance for its submission within stipulated time failing which the Authority may proceed for its encashment.

4. Cost of land needs to be clarified. An annexure in support of the same needs to be submitted – Land cost as per sale deed has been taken in the project against which 33% built-up area has been allocated to the land owner details of which will be updated in the DPI.  
 Recommended for registration subject to the above rectification.

  
04.07.2022  
 (Naresh Kumar)  
 Chartered Accountant

  
04/07/2022  
 (Ashish Kush)  
 Planning Executive

**REPRESENTED THROUGH**

Sr. no.	Name	Designation	Mobile No.	E-mail
1.	Sh. Arvinder Dhingra	Sr. VP	9717900945	arvinder@elanlimited.com
2.	Ms. Priyanka Aggarwal	AR	9971959992	iabmpagarwal@gmail.com

**PROCEEDINGS OF THE DAY**


Proceedings dated: 04.07.2022

Sh. Ashish Kush, Planning Executive briefed about the facts of the case.

Sh. Arvinder Dhingra (Sr. VP) and Ms. Priyanka Aggarwal (AR) are present on behalf of the promoter.

The Authority decides to grant registration in view of the above conditions and recommendation.

  
 (Vijay Kumar Goyal)  
 Member, Harera, Gurugram

  
 (Dr. K.K. Khandelwal)  
 Chairman, Harera, Gurugram

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**HARERA**  
**GURUGRAM**

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

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

Temp ID- RERA-GRG-1062-2022

Elan Paradise

**AGENDA OF THE MEETING**

DATED: 04.07.2022

<b>ITEM NO.</b>		<b>RPIN</b>	459
<b>SUBJECT</b>	Application for registration of project "Elan Paradise" in Sector-50, Gurugram being developed by M/s Elan Limited.		
<b>APPLICATION DETAILS</b>			
<b>1.</b>	<b>Application for registration</b> (for whole project/ phase)	Project	
<b>2.</b>	<b>Name of the project</b>	Elan Paradise	
<b>3.</b>	<b>(a) Total licensed area of the project</b>	3.35 acres	
	<b>(b) Area applied for registration</b>	3.35 acres	
<b>4.</b>	<b>Location of the project</b> (location of the project is to give as phase is part of the project even if phase is to be registered)	Sector- 50, Gurugram	
<b>5.</b>	<b>Status of the project</b> (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	
<b>6.</b>	<b>Planning area</b>	Gurgaon – Manesar Urban Complex – 2031 A.D.	
<b>CASE HISTORY</b>			
<b>Sr. No.</b>	<b>File status</b>	<b>Date</b>	

<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

An Authority constituted under section 20 the Real Estate (Regulation and Development) Act, 2016

Act No. 16 of 2016 Passed by the Parliament

भू-संपदा (विनियमन और विकास) अधिनियम, 2016 की धारा 20 के अंतर्गत गठित प्राधिकरण

भारत की संसद द्वारा पारित 2016 का अधिनियम संख्यांक 16





1.	Application for registration received on	05.05.2022
2.	First notice Sent on	23.05.2022
3.	First hearing on	30.05.2022
4.	Second hearing on	13.06.2022
5.	Third hearing on	27.06.2022
6.	Fourth hearing on	04.07.2022

**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	Elan Limited
2.	Legal capacity to act as applicant promoter	Collaborator
3.	Status of the promoter	Company
4.	Registered address	3rd Floor, Golf View Corporate Tower, Golf Course Road, Sector-42, Gurugram, Haryana- 122002

**PROJECT AND FEE DETAILS**

1.	Details of the project (as a whole)		
	Sr. No.	Particulars	Details
	1.	Name of the project	Elan Paradise
	2.	Location of the project	Sector-50, 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	32 of 2020 dated 31.10.2020 valid upto 30.10.2025 29 of 2021 dated 22.06.2021 valid upto 21.06.2026



5.	Total licensed area of the project	3.35 acres
6.	Area for registration	3.35 acres
7.	Nature of the project	Commercial Colony
8.	Name of the license holder	Pyramid City Projects LLP and Others
9.	Name of the collaborator (if any)	Elan Limited
<b>2.</b>	<b>Fee details</b>	
1.	Fee details	
(a)	Registration fee	25351.493*1.87*20 = Rs. 9,48,145.83/-
(b)	Late fee	N/A
(c)	Processing fee	25351.493*10 = Rs 2,53,514.93/-
(d)	Total	Rs 12,01,660.76/-
2.	DD Details	
(a)	DD amount	1. Rs 4,86,000/- 2. Rs 7,15,700/-
(b)	DD no. and date	1. 060863 dated 30.04.2022 2. 060913 dated 26.05.2022
(c)	Name of the bank issuing	HDFC Bank
(d)	Deficient amount	NIL

### 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-1062-2022	
3.	Whether the hard copy of the online application REP-I 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	X	
2.	Demarcation plan	√	23.06.2022
3.	Zoning plan	√	23.06.2022
4.	Building plans includes following		
4.1	Site plan	X	
4.2	Floor plan	X	
4.3	Apartment plans	N/A	
4.4	Elevation section	√	01.05.2022
4.5	X-section plan	X	
4.6	Structural plan	X	
4.7	Parking plan	X	
5.	Service plans and estimates (Applied)		
5.1	Roads and pavement plan	√	23.06.2022
5.2	Electricity supply plan	X	
5.3	Water supply plan	√	23.06.2022
5.4	Sewerage plan	√	23.06.2022
5.5	Solid waste management plan	X	
5.6	Storm water drainage plan	√	23.06.2022
5.7	Street light plan	X	
5.8	Landscape plan	X	
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	√	

**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	√	01.05.2022		
	2.	Documents relating to the entry of license and collaboration agreement in the revenue record	√	01.05.2022		
	3.	Non-default certificate from a chartered accountant	√	23.06.2022		
	4.	Cash flow statement of the proposed project	√	23.06.2022		
	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	√	23.06.2022		
<b>6.</b>	<b>The documents uploaded online have been checked and same are found in order.</b>			NO		
<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>			NO		
<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.	The documents need to be upload in the form (A-H).				
<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>
		1.	License approval	32 of 2020	31.10.2020	30.10.2025
				29 of 2021	22.06.2021	21.06.2026
						<b>Remarks</b>




		2.	Zoning approval plan	ZP-1452/AD(RA)/2021/21872	01.09.2021			
		3.	Building plan / site plan approval	ZP-1452/AD(RA)/2021/3372	10.02.2021	09.02.2026		
			Revised Building plan / site plan approval	ZP-1452/AD(RA)/2022/11460	27.04.2022	26.04.2027		
		4.	Environment Clearance approval	SEIAA(128)/HR/2021/612	09.07.2021	08.07.2028		
	<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	AA1/RHQ/NR/ATM/NOC/2022/195/780-783	13.04.2022	12.03.2030		
		2.	Fire approval scheme	FS/2022/107	09.06.2022			
		3.	Revised Service plan estimates approval	Applied				
		4.	Electrical availability connection load	Ch-47/DGR/26B	15.03.2022			
	<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	YN7-FJH-NAGD	01.03.2021			
		2.	Natural conservation zone NOC	Not Provided			Affidavit submitted	




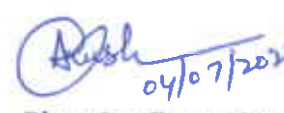
		3.	Tree cutting permission from DFO	NOC	T76-JTW-R5CJ			16.07.2021	
		4.	Forest diversion	land	Not Provided			Affidavit submitted	
		5.	Power Line shifting	NOC	Not Provided			Affidavit submitted	
11.	(a)	<b>Additional scrutiny and verification by Planning Executive</b>							
		Sr. No.	Description			Scrutiny			
		1.	Land title of the project – whether title deeds, mutation, jamabandi and aks-shajra 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			
		3.	In case promoter is other than licensee – confirm collaboration/ 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			N/
		5.	Whether non-encumbrance certificate issued by tehsildar/ revenue officer is submitted.			YES			N/
		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			



	<b>(b)</b>	<b>Comments of Planning Executive</b>	
	<b>Sr. No.</b>	<b>Deficiencies/Observations</b>	
	1.	All the deficiencies have been fulfilled by the promoter except revised service plan and estimates and form (A-H).	
		 <b>Planning Executive</b>	
<b>12.</b>	<b>Scrutiny by Chartered Accountant</b>		
		<b>Description</b>	<b>Scrutiny</b>
	<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	N/A
	3.	Whether director's information as required along with 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)	Non encumbrance Provided
	5.	Whether supporting documents for land cost are attached?	Sale Deed provided
	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
	<b>Part - E - 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?	Provided
11.	Whether construction cost & other details as mentioned are in line with details in other sections?	YES
<b>PART - H - 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.	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
<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?	YES
15.	Verify quarterly expenditure statement till end of project and ensure that all cost elements are captured therein	YES
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	YES
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	YES
19.	Whether CA certificate for non-default in payment of debt obligations is provided	YES
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.	No-default in repayment of statutory dues as per certificate produced by the chartered accountant.
21.	Net worth of promoter (as per latest balance sheet)	Net worth of ₹ 1.24 Crore as per financial year 2020-21.
<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.	All the financial deficiencies are removed.	
		 04.07.2022 <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?	YES
	2.	Whether the collaboration agreement is irrevocable?	YES
	3.	Whether the land mentioned in the collaboration agreement is same as mentioned in the license?	YES
	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?	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)?	N/A
	<b>S.no</b>	<b>Comments</b>	
	1.	All the deficiencies are removed.	
		 04/07/2022 <b>Planning Executive</b>	
14.	<b>Conditions to be incorporated in the registration certificate:</b>		





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 and amended as per requirements and approved by the authority.
2. The promoter shall offer to execute and register a conveyance deed in favour of the allottee or the association of the allottees, as the case may be, of the unit/apartment, plot or building as the case may be, as per section 17 of the Act;
3. The promoter shall convey/allow usage of common areas 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 (l) of sub-section (2) of section 4;
5. The registration shall be valid for a period as mentioned above under the head "validity of registration" subject to validity of licenses granted by DTCP and promoters shall be bound to obtain prior renewals thereof.
6. 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 as applicable in the State and regulations made thereunder applicable in the jurisdiction of this authority;
7. The promoter shall not contravene the provisions of any other law for the time being in force as applicable to the project.
8. The promoter shall comply with all other terms and conditions as mentioned in the attached detailed project information (DPI) and as conveyed by the Authority from time to time.
9. The apartment or building shall be sold only on carpet area basis and not on super area basis and the total sale consideration shall be inclusive of all charges. No separate EDC/IDC are payable by the allottees except the total sale consideration. Attention is invited to model agreement for sale provided in the Haryana Real Estate (Regulation and Development) Rules, 2017. (Term 1.2)

*Explanation:*

- (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);*
- (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*



	<p><i>necessary approvals from competent authority for the purpose of such possession:</i></p> <p><i>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.</i></p>
10	<p>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. Section 2(n) of the Real Estate (Regulation and Development) Act, 2016 is reproduced as under:</p> <p><i>"common areas" mean—</i></p> <ul style="list-style-type: none"><li><i>(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 phase, the entire land for that phase;</i></li><li><i>(ii) the staircases, lifts, staircase and lift lobbies, fire escapes, and common entrances and exits of buildings;</i></li><li><i>(iii) the common basements, terraces, parks, play areas, open parking areas and common storage spaces;</i></li><li><i>(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;</i></li><li><i>(v) installations of central services such as electricity, gas, water and sanitation, air-conditioning and incinerating, system for water conservation and renewable energy;</i></li><li><i>(vi) the water tanks, sumps, motors, fans, compressors, ducts and all apparatus connected with installations for common use;</i></li><li><i>(vii) all community and commercial facilities as provided in the real estate project;</i></li><li><i>(viii) all other portion of the project necessary or convenient for its maintenance, safety, etc., and in common use;</i></li></ul>
11	<p>The sale shall not be permitted through real estate agent without availability of prospectus/brochure containing necessary details and a set of drawings and approvals with the real estate agent registered with the HARERA. In case of introduction of new real estate agent or change/deletion of real estate agent as mentioned in the DPI, the promoter shall inform the same to the authority.</p>
12	<p>There shall not be any subvention scheme/ assured returned scheme for the registered project without prior approval of the authority.</p>
13	<p>The promoter at the time of booking and issue of allotment letter shall be responsible to make available to the allottee, the following information, namely—</p> <ul style="list-style-type: none"><li>(a) Sanction plan, layout plans along with specification, approved by the competent authority, by display at the site or such other place as may be specified by the regulations made by the authority.</li><li>(b) The stage wise time schedule of completion of the project including the provisions for civic infrastructure like water, sanitation and electricity.</li></ul> <p>[Obligation of the promoter under section 11(3)]</p>



14	The promoter shall enable the formation 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 apartment/building/plot and inform the authority about the AOA. [Obligation of the promoter under section 11(4)(e),]
15	At the time of issue of allotment letter an application form for membership of the association of allottee shall be got filled up from the allottee. The promoter shall incorporate a condition in the allotment letter that buyer of unit shall enroll himself as a member of association of allottee to be registered for this project. Every allottee of the apartment, plot or building as the case may be, shall participate towards the formation of an association or society or corporative society or the allottees, or a federation of the same. [Duty of the allottee under section 19(9)]
16	The promoter shall issue the allotment letter as per draft annexed in the detailed project information which is duly approved by the authority and authenticated by the promoter. In case, the promoter wants to amend certain conditions/clauses, a separate application with justification for such variation/change be submitted for consideration of the Authority and till such change is allowed, the draft allotment letter shall be followed as approved by the authority with the DPI or as per directions issued by the authority.
17	The promoter shall declare details of the unit along with specifications, payment plan and time for handing over of possession of unit after obtaining all required approvals from the competent authority.
18	As per section 13(1), the promoter shall not accept a sum more than ten per cent of the cost of the apartment, plot, or building as the case may be, as an advance payment or an application fee, from a person without first entering into a written agreement for sale as prescribed with such person and register the said agreement for sale, under any law for the time being in force.
19	The promoter is obligated to take various approval/renewals whenever due on time, from the competent authorities. Any failure in this regard will invite stringent action as per the provision of the law against the promoter.
20	The promoter shall comply with the requirement of section 11(1) and submit the quarterly up-to-date status of the project for each quarter.
21	The promoter shall complete the construction of community sites within the completion period declared under section 4(2)(1)(C) of the Act, 2016 and any failure would attract stringent action and penal proceedings.
22	The authority reserves its right to initiate penal proceedings for violation of various provisions of the Real Estate (Regulation & Development) Act, 2016 and rules and regulations made thereunder.
<b>Additional Conditions</b>	



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| 23 | The promoter shall submit the revised service plan and estimate approval within 3 months from the issuance of the registration certificate;   |
| 24 | The promoter shall submit the bank guarantee amounting to Rs. 25 lakhs for submission of approved service plans and estimates. This bank guarantee shall be forfeited in case the conditions are not fulfilled by the promoter within the stipulated time period mentioned in the conditions.   |
| 25 | In case of failure to submit the revised service plan and estimates within three months' time from the date of issuance of registration certificate and if any allottee who have booked any unit during this period and wishes to withdraw from the project then the amount collected from the allottee will be refunded with interest at the prescribed rate within one month thereafter only.   |
| 26 | The promoter shall comply with the requirement of section 4(2)(1)(D) and get his accounts audited within six months after the end of every financial year by a chartered accountant in practice, and shall produce a statement of accounts duly certified and signed by such chartered accountant and it shall be verified during the audit that the amounts collected for a particular project have been utilized for that project and the withdrawal has been in compliance with the proportion to the percentage of completion of the project. All such pending compliances after coming into force of the Real Estate (Regulation and Development) Act, 2016 shall be submitted in the authority within a period of three months. |
| 27 | The promoter is directed to clear the title of the project land from any litigations before the offer of possession and if due to the above litigation, any allottee gets the defective title of land and in case of any loss caused to him due to defective title of the land then the allottee would be entitled to get compensation as provided in section 18(2) of the Act.   |

**DECISION OF THE AUTHORITY**

**APPROVED**

  
**(Vijay Kumar Goyal)**  
Member, HARERA, Gurugram

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