



HARERA
GURUGRAM

**HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM**

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

AGENDA OF THE MEETING

DATED: 24.12.2019

TEMP NO.	RERA-GRG-PROJ-209-2019	RPIN No.	445
SUBJECT	Application for registration of phase "Palm Select" in Sector-77, Gurugram being developed by M/s Emaar MGF Land Ltd.		
APPLICATION DETAILS			
1.	Application for registration	For Phase	
2.	Name of the phase	Palm Select	
3.	(a) Total licensed area of the project	29.34675 acres	
	(b) Area applied for registration	3.29 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-77, 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	Ongoing	
6.	Planning area	Gurgaon - Manesar Urban Complex - 2031 A.D.	
CASE HISTORY			
Sr. No.	File status	Date	
1.	Application for registration received on	05.12.2019	
2.	Deficiencies conveyed on	13.12.2019	

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.	Personal hearing on	16.12.2019 (adjourned)
4.	Personal hearing on	18.12.2019 (adjourned)
5.	Personal hearing on	24.12.2019

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 Emaar MGF Land Ltd.
2.	Legal capacity to act as applicant promoter	Collaborator
3.	Status of the promoter	Company
4.	Registered address	306-308, Square One, C2, District Centre, Saket New Delhi-110017

PROJECT AND FEE DETAILS

1.	Details of the project (as a whole)		
	Sr. No.	Particulars	Details
	1.	Name of the project	Palm Hills
	2.	Location of the project	Sector- 77, Gurugram
	3.	(a) Whether project is to be implemented in one go or in phases	Phases
		(b) No. of Phases	5
		(c) Phase I-12.76 acres	OC Received dated 03.10.2017 OC Received dated 05.03.2019 OC Received dated 24.12.2019
		(d) Phase II- 5.93 acres	RERA Registered
		(e) Phase III- 1.86 acres	RERA Registered
		(f) Phase IV- 5.50 acres	RERA Registered
		(g) Phase V- 3.29 acres	RERA Applied



4.	Licence no. and date of validity	56 of 2009 valid upto 30.08.2019 62 of 2013 valid upto 04.08.2019
5.	Total licensed area of the project	29.34675 acres
6.	Area for registration	3.29 acres
7.	Nature of the project	Group Housing
8.	Name of the license holder	M/s Neemrana Developers Pvt. Ltd. and others
9.	Name of the collaborator	M/s Emaar MGF Land Ltd.
2. Details of the phase to be registered -		
Sr. No.	Particulars	Details
1.	Name of the phase to be registered	Palm Select
2.	Phase no. for which registration applied	5
3.	Area of phase for registration	3.29 acres
4.	Nature of the phase	Group Housing
3. Fee details		
1.	Fee details	
(a)	Registration fee	Rs 1,47,790/-
(b)	Late fee	Rs 2,21,685/-
(c)	Processing fee	Rs 84,451/-
(d)	Total	Rs 4,53,926/-
2.	DD Details	
(a)	DD amount	1. Rs 2,91,750/- 2. Rs 1,62,170/-
(b)	DD no. and date	1. 202532 dated 25.10.2017 2. 202967 dated 13.12.2019
(c)	Name of the bank issuing	HSBC Bank
(d)	Deficient amount (Total - Deposited)	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-445-2019.	
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	
1.	Layout plan	√	
2.	Demarcation plan	√	
3.	Zoning plan	√	
4.	Building plans includes following		
4.1	Site plan	√	
4.2	Floor plan	√	
4.3	Apartment plans	√	
4.4	Elevation section	√	
4.5	X-section plan	√	
4.6	Structural plan	√	
4.7	Parking plan	√	
5.	Service plans and estimates		
5.1	Roads and pavement plan	√	
5.2	Electricity supply plan	√	
5.3	Water supply plan	√	
5.4	Sewerage plan	√	
5.5	Solid waste management plan	√	
5.6	Storm water drainage plan	√	
5.7	Street light plan	√	

	5.9	Landscape plan	√
	5.9	10% land transferred to the govt. for community facility	NA
	5.10	Copy of super imposed demarcation plan on the approved layout plan	√
<p>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.</p>			
<p>5. The status of mandatory documents to be uploaded online before registration is as under:</p>			
	Sr. No.	List of documents	Tick if provided
	1.	Copy of license along with schedule of land	√
	2.	Documents relating to the entry of license and collaboration agreement in the revenue record	√
	3.	Non-default certificate from a chartered accountant	√
	4.	Cash flow statement of the proposed project	√
	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	√
	6.	The documents uploaded online have been checked and same are found in order.	Yes, corrections done
	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.	Yes, corrected copy submitted
	<p>8. Following are the deficiencies in the online application form:</p>		
	Sr. No.	Status of deficiencies in online application	
	1.	Online application scrutinized. Corrections are done by the promoter.	
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	56 of 2009	31.08.2009	30.08.2019	Renewed till 30.08.2024
		62 of 2013	05.08.2013	04.08.2019	Renewed till 04.08.2024
2.	Zoning plan approval	ZP-567/JD(BS)/2010/16246	18.11.2010		
3.	Building plan / site plan approval	ZP-567/AD(RA)/2015/16319	28.08.2015	27.07.2022	
		ZP-567/AD(RA)/2018/3008	23.10.2018	22.10.2023	
4.	Environment Clearance approval	SEIAA/HR/2010/907	29.10.2010	09.10.2024	

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 clearance height	AAI/NOC/2009/377/43-45	14.01.2010	01.05.2022	Renewed
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		2.	Fire scheme approval	DFS/FA/2017/635/40937	19.04.2017	NA		
		3.	Service plan estimates approval	LC-1031-VOL-III-JE(BR)-2016/25419	17.11.2016	NA		
		4.	Electrical load availability connection	3643	07.11.2014			
	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	3365-4	09.02.2015			
		2.	Natural conservation zone NOC	NA				
		3.	Tree cutting permission NOC from DFO	NA			(Affidavit given)	
		4.	Forest land diversion	NA				
		5.	Power Line shifting NOC	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			Lic no. 56 of 2009 renewed till 30.08.2024, 62 of 2013 till 04.08.2024		
		3.	In case promoter is other than licensee - confirm collaboration/ development agreement as below: -					




		3.1	Collaboration agreement - registered or not	No
		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.	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
	(b)	Comments of Planning Executive		
	Sr. No.	Observations		
	1.	All the deficiencies have been fulfilled by the promoter and the registration fee, processing fee and late fee is duly paid by the promoter. Online corrections are done by the promoter		
				<i>[Signature]</i> 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		OK
	3.	Whether director's information as required along with 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 by Naib tehsildar attached.
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?	Supporting costing documents are provided.
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	OK



17.	Verify that sale numbers are matching with summary details in prescribed form	NA
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	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.	Yes, as per audit report - The company is continuously incurring cash losses over the years. The company's net worth is completely eroded as at 31/03/2019. Further the company has borrowing amounting to INR 25353.39 million which are due for repayment in the next year. Secondly, arrears are pending in payment of statutory dues pertaining to sales tax, Service tax etc. amounting to INR 2228.83 million.
21.	Net worth of promoter (as per latest balance sheet)	Net worth as per balance sheet 31.03.2019 is in negative INR (32721) million.
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?	Provided
 Chartered Accountant		
13.	Scrutiny by Legal Executive	
Sr. No.	Description	Scrutiny
1.	Whether the collaboration agreement is registered?	No
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)?	Yes
			<i>On leave</i> Legal Executive



14. Conditions to be incorporated in the registration certificate:

Sr. No.	Conditions
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) Amendment Rules, 2019. The promoter shall also adopt and strictly abide by the model agreement for sale as provided in rule 8 of the RERA Rules dated 12.09.2019.
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 (l) 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.

15. Final recommendations:

On the subject and reference cited above it is submitted that the promoter i.e M/s Emaar MGF Land Ltd. has applied manual on dated 06.12.2019 for registration of their group housing namely "Palm Select" in Sector-77, Gurugram. Action taken report is provided at serial number - I.

The promoter M/s Emaar MGF Land Ltd is the collaborator for an area measuring 29.346 acres in license no. 56 of 2009, 62 of 2013 located in Sector-77, Gurugram.

Total licensed area of the project is 29.346 acres, out of which occupation certificate for:

1. Phase 1 (12.76 acres) was obtained OC vide memo 24758 dated 3.10.2017 for tower B1, B2, B3, B6, B7, B8, EWS Block.
OC vide memo 5975 dated 05.03.2019 for tower A1, A2, A3, B4, B5, Nursery school
OC vide memo 31934 dated 24.12.2019 for tower A1, A2, A3, B4, B5, A1, A2, A4, B9, B10, B11, community building, convenient building (25 shops).
2. Phase 2 (5.93 acres) was registered vice RC No. 256 of 2017. (palm Hills)
3. Phase 3 (1.86 acres) was registered vice RC No 01 of 2018. (Part of palm hills, Tower A, B)
4. Phase 4 (5.50 acres) was registered vice RC No GGM/2018/29. (Palm Heights)
5. **Phase 5 was applied for registration measuring for 3.29 acres.**

On scrutiny of application for phase-5, it was found that there were deficiencies in the application which has been conveyed to the promoter on 13.12.2019 wherein the promoter was directed to submit the reply. The promoter has submitted the reply on 16.12.2019 which was scrutinized and found that there were few deficiencies which were still pending. So, unfulfilled deficiencies were conveyed to the promoter and reply was submitted on 24.12.2019 which was scrutinized and found that all the deficiencies have been complied by the promoter. On 24.12.2019, all the deficiencies in the application for registration has been fulfilled which had been mentioned in scrutiny sheet of PE, CA and LE



scrutiny. Online correction has been got corrected. Registration fee, processing fee and late fee is fully paid by the promoter.

Keeping in view, the above facts, case file along with all annexures i.e. detailed project information, hard copy of online application [format REP - 1 (A to H)] and declaration in REP-II, are placed before the authority for consideration approval and necessary action please.

Dated 24.12.2019

PE, HARERA, Gurugram



STATUS OF NECESSARY DOCUMENTS ANNEXED WITH THE DPI			
FOLDER - A			
1.	License related documents		
Sr. No.	List of documents	Tick mark if provided	Remarks
1.	License with renewal copies, if any	√	
2.	LOI	√	
3.	LC-IV	√	
4.	BIP/COD (if applicable)	NA	
5.	Collaboration agreement (if applicable)	√	
6.	Sale deed	√	
7.	Mutation copy	√	
8.	Jamabandi copy	√	
9.	Aks-shajra	√	
10.	Land title search report	√	
11.	Non-encumbrance certificate /ROC	√	
12.	Project report	√	
2.	Statutory approvals		
Sr. No.	Documents	Tick mark if provided	Remarks
1.	Environment clearance approval	√	29.10.2010
2.	Airport height clearance	√	14.01.2010
3.	Fire scheme approval	√	19.04.2017
4.	Building plan approval letter (BR-III)	√	23.10.2018
5.	Service plan and estimates approval/ sanction letter .	√	17.11.2016
6.	Electrical load availability connection	√	07.11.2014
7.	Forest NOC	√	09.02.2015
8.	Natural conservation zone NOC	NA	
9.	Tree cutting permission/ NOC	NA	
10.	Forest land diversion	NA	

	11.	Power line shifting NOC	NA	
3.	Financial documents			
	Sr. No.	Documents	Tick mark if provided	Remarks
	1.	CA certificate for non-default in payment of debts and liabilities as on date in the given format	√	
	2.	Copy of annual report of last three financial years	√	
	3.	Copy of approval letter obtained from banks for home loan tie-up	√	
	4.	Details of assets mortgaged/charged to the bank	√	
4.	Separate bank account documents			
	Sr. No.	Documents	Tick mark if provided	Remarks
	1.	Copy of PAN Card of the account holder	√	
	2.	Copy of address proof of the person operating the account	√	
	3.	Copy of Aadhaar Card of the person operating the account	√	
	4.	Copy of Board Resolution for authorizing bank account operation	√	
5.	Registration fee documents			
	Sr. No.	Documents	Tick mark if provided	Remarks
	1.	Copy of demand draft/banker's cheque submitted earlier	√	
	2.	Copy of demand draft/banker's cheque for deficit fee	√	
6.	Allottee related draft documents			
	A.	New Allottees		
		Sr. No.	Document	Tick mark if provided
		1.	Application form	√



	2.	Allotment letter	✓	
	3.	Builder buyer agreement	✓	
	4.	Conveyance deed	✓	
	5.	Payment receipt	✓	
B. Existing Allottees				
	Sr. No.	Documents	Tick mark if provided	Remarks
	1.	Copy of the draft allotment by which the apartments have been allotted/booked in favour of the apartment buyers	✓	
	2.	Copy of the draft agreement for sale which has been made.	✓	
	3.	Copy of the draft conveyance deed executed	✓	
	4.	Copy of performa for application form	✓	
	5.	Payment receipt	✓	
7. Additional documents in case of ongoing projects				
	Sr. No.	Documents	Tick mark if provided	Remarks
	1.	CA certificate for financial and inventory details in respect of ongoing project	✓	
FOLDER - B				
1. Various plans to be annexed				
	Sr. No.	List of plans	Tick mark if provided	Remarks
	1.	Layout plan	✓	
	2.	Demarcation plan	✓	
	3.	Zoning plan	✓	
	4.	Building plans including following		
	4.1	Site plan	✓	
	4.2	Floor plan	✓	
	4.3	Apartment plans	✓	
	4.4	Elevation plan	✓	

	4.5	X-section plan	√	
	4.6	Structural plan	√	
	4.7	Parking plan	√	
5.	Service plans and estimates			
	5.1	Roads and pavement plan	√	
	5.2	Electricity supply plan	√	
	5.3	Water supply plan	√	
	5.4	Sewerage plan	√	
	5.5	Solid waste management plan	√	
	5.6	Storm water drainage plan	√	
	5.7	Street light plan	√	
	5.8	Landscape plan	√	
	5.9	10% land transferred to the govt. for community facility (if applicable)	NA	
	5.10	Copy of superimposed demarcation plan on approve the layout plan	√	

DECISION OF THE AUTHORITY

APPROVED


(Subhash Chander Kush)
Member, HARERA, Gurugram


(Samir Kumar)
Member, HARERA, Gurugram


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

