

**Project hearing brief**

S.No	Particulars	Details	
1.	Name of the project	Elan Paradise	
2.	Name of the promotor	M/s Elan Limited	
3.	Nature of the project	Commercial	
4.	Location of the project	Sector- 50, Gurugram	
5.	Legal capacity to act as a promoter	Collaborator	
6.	Name of the license holder	M/s Pyramid City Projects LLP	
7.	Status of project	New	
8.	Whether registration applied for whole	Whole Project	
9.	Online application ID	RERA-GRG-PROJ-813-2021	
10.	License no.	32 of 2020 dated 31.10.2020	Valid upto 30.10.2025
11.	Total licensed area	2 Acres	Area to be registered 2 Acres
12.	<b>Statutory approvals either applied for or obtained prior to registration</b>		
	S.No	Particulars	Validity upto
	i)	License Approval	30.10.2025
	ii)	Zoning Plan Approval	09.02.2026
	iii)	Building plan Approval	09.02.2026
	iv)	Environmental Clearance	Applied on 23.02.2021
	v)	Airport height clearance	Clarification Given
	vi)	Fire scheme approval	Applied on 04.03.2021
	vii)	Service plan and estimate approval	Applied on 04.03.2021
13.	File Status	Date	
	Project received on	15.02.2021	
	First notice sent on	20.02.2021	
	First hearing on	22.02.2021	
	Second hearing on	22.03.2021	

<p>14.</p>	<p><b>Status of documents</b></p>	<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). <b>Status- Corrected copy not submitted.</b></li> <li>2. DPI not filled up Properly. <b>Status- Provided.</b></li> <li>3. Environment Clearance needs to be submitted. <b>Status- Applied on 23.02.2021, copy of receipt provided.</b></li> <li>4. Airport height Clearance needs to be submitted. <b>Status- Clarification given.</b></li> <li>5. Fire Scheme Approval needs to be submitted. <b>Status- Applied on 04.03.2021, copy of receipt provided.</b></li> <li>6. Approved Service Plan and Estimates needs to be submitted. <b>Status- Applied on 04.03.2021, copy of receipt provided.</b></li> <li>7. Forest NOC needs to be submitted. <b>Status- Provided.</b></li> <li>8. Tree Cutting permission NOC from DFO needs to be submitted. <b>Status- Undertaking Provided.</b></li> <li>9. Project report needs to be submitted. <b>Status- Provided.</b></li> <li>10. Mutation, Jamabandi duly certified by revenue officer six months prior to date of application needs to be submitted. <b>Status- Provided.</b></li> <li>11. List of inventory needs to be submitted. <b>Status- Provided.</b></li> <li>12. Layout plan superimposed on the demarcation plan showing the khasra numbers needs to be submitted. <b>Status- Provided.</b></li> <li>13. Approvals / NOC's from various agencies for connecting external services like roads, sewerage disposal, storm water drainage needs to be submitted. <b>Status- Provided.</b></li> <li>14. Draft Allotment letter is not as per the prescribed format. <b>Status- Provided.</b></li> <li>15. Draft Builder Buyer Agreement is not as per the prescribed format. <b>Status- Provided.</b></li> <li>16. Infrastructure development charges needs to be clarified. <b>Status- Clarified.</b></li> <li>17. Proof of payment of license fees needs to be provided. <b>Status- Provided.</b></li> <li>18. Approved service estimates needs to be provided to check the calculation of internal development works <b>Status- Copy of Applied Service plan and estimates has been provided.</b></li> <li>19. Cost of land needs to be clarified. <b>Status-Clarified.</b></li> </ol>
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		<p>20. Marketing cost should be excluded from the project cost.  <b>Status- Marketing cost has been excluded from the total cost of the project.</b></p> <p>21. Details of any other cost as mention in serial no. 1.7 needs to be provided.  <b>Status- Provided.</b></p> <p>22. Saleable area of the project not matched with corresponding s.no 2.2 of Part-D of DPI.  <b>Status- Provided.</b></p> <p>23. CA certificate for promoter equity needs to be provided.  <b>Status- Provided.</b></p> <p>24. Bank undertaking needs to be corrected.  <b>Status- Provided.</b></p> <p>25. Board resolution for operation of bank account needs to be submitted properly specifying that the 70% of the amount collected in master account has been transfer to separate RERA account.  <b>Status- Provided.</b></p> <p>26. Estimated cost of the project needs to be corrected in promoter affidavit.  <b>Status- Provided.</b></p> <p>27. Annual report for the financial year 2019-20 needs to be provided.  <b>Status- Provided.</b></p> <p>28. Negative net worth of the promoter for the financial year 2018-19 is ₹ 45.93 crore.  <b>Status- Clarified.</b></p> <p>29. Company has not deposited the workers welfare cess of ₹ 29.54 Lakh &amp; GST ₹ 1.51 Lakh as per the audit report for the financial year 2018-19.  <b>Status- Provided.</b></p> <p>30. Quarterly schedule of estimated expenditure needs to be clarified and corrected.  <b>Status- Provided.</b></p> <p>31. Quarterly schedule of sources of funds needs to be clarified and corrected.  <b>Status- Provided.</b></p> <p>32. Quarterly schedule of net cash flow needs to be corrected.  <b>Status- Provided.</b></p> <p>33. Quarterly schedule of physical progress needs to be filled properly.  <b>Status- Provided.</b></p>
15.	Deficit documents	<p>1. The annexures in the online application are not uploaded as well as the correction needs to be done in the online (A-H).</p> <p>2. Environment Clearance needs to be submitted.</p> <p>3. Fire Scheme Approval needs to be submitted.</p>

	4. Approved Service Plan and Estimates needs to be submitted.
<b>Day and Date of hearing</b>	Monday and 22.03.2021
<b>Proceeding recorded by</b>	Ashish Kush

**PROCEEDINGS OF THE DAY**

During personal hearing, the Authority has discussed the project in detail. After detailed scrutiny, it was found that all the deficiencies have been fulfilled by the promoter and the registration fee, processing fee is duly paid by the promoter. The documents which are still pending are copy of environment clearance, fire scheme approval and approved service estimates and plans, however, applications already filed in the concerned department for these approvals. An affidavit was given by the promoter declaring that he will submit these deficit approvals within 3 months. Therefore, the authority has decided to grant provisional registration certificate and direct the promoter to submit these deficit documents within 3 months from the date of grant of registration certificate. Also, the promoter shall submit the bank guarantee of Rs. 10,00,000,00/- within seven days from the date of issuance of registration certificate. This bank guarantee shall be forfeited in case the conditions are not fulfilled by the promoter within 3 months from the date of issuance of this registration certificate. The master account (100%) (50200055952382) shall be attached. No amount shall be withdrawn from this account till the submission of deficit documents in the authority. It is the responsibility of the concerned bank to freeze the master account till the conditions are not fulfilled by the promoter and the account will be defreeze as intimated by the authority. In case of failure to submit the approved environment clearance, fire scheme approval and approved service estimate and plans within three months from the date of issuance of registration certificate, then the amount collected from the allottees will be refunded with interest at the prescribed rate within one month thereafter and the registration certificate shall be treated as deemed cancelled.

  
**Sh. Samir Kumar**

Member, HARERA, Gurugram

  
**Sh. Vijay Kumar Goel**

Member, HARERA, Gurugram

  
**Dr. Krishana Kumar Khandelwal**

Chairman, HARERA, Gurugram



**HARERA**  
**GURUGRAM**

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

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

AGENDA OF THE MEETING

DATED: 22.03.2021

ITEM NO.	RERA-GRG-PROJ-813-2021.	RPIN	292
SUBJECT	Application for registration of project "Elan Paradise" in Sector-50, Gurugram being developed by M/s Elan Limited.		
<b>APPLICATION DETAILS</b>			
1.	Application for registration (for whole project/ phase)	Whole Project	
2.	Name of the project	Elan Paradise	
3.	(a) Total licensed area of the project	2 acres	
	(b) Area applied for registration	2 acres	
4.	Location of the project	Sector-50, Gurugram	
5.	Status of the project	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	15.02.2021	
2.	Deficiencies Conveyed on	20.02.2021	
3.	First hearing on	22.02.2021	
4.	Show Cause Notice sent on	01.03.2021	
5.	Second hearing on	22.03.2021	





**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 Elan Limited
2.	Legal capacity to act as applicant promoter	Collaborator
3.	Status of the promoter	Company
4.	Registered address	L-1/1100, First Floor, Street No. 25, Sangam Vihar, New Delhi- 110062

**PROJECT AND FEE DETAILS**

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	Elan Paradise
	2.	Location of the project	Sector- 50, Gurugram
	3.	(a) Whether project is to be implemented in one go or in phases	Whole Project
		(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
	5.	Total licensed area of the project	2 acres
	6.	Area for registration	2 acres
	7.	Nature of the project	Commercial High Rise
2.	<b>Fee details</b>		
	1.	Fee details	
		(a) Registration fee	Rs 5,66,057/-
		(b) Processing fee	Rs 1,51,352/-
		(c) Total	Rs 7,17,409/-
		(d) Deficient amount	Nil
	2.	DD Details	



(a)	DD amount	1. 4,95,750/- 2. 2,47,870/-
(b)	DD no. and date	1. 037625 dated 08.02.2021 2. 037624 dated 08.02.2021
(c)	Name of the bank issuing	HDFC Bank

### 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-813-2021.	
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	√	08.03.2021
2.	Demarcation plan	√	08.03.2021
3.	Zoning plan	√	12.02.2021
4.	Building plans includes following		
4.1	Site plan	√	08.03.2021
4.2	Floor plan	√	08.03.2021
4.3	Apartment plans	√	08.03.2021
4.4	Elevation section	√	08.03.2021
4.5	X-section plan	√	08.03.2021
4.6	Structural plan	X	
4.7	Parking plan	√	08.03.2021
5.	Service plans and estimates		
5.1	Roads and pavement plan	X	



	5.2	Electricity supply plan	X	
	5.3	Water supply plan	X	
	5.4	Sewerage plan	X	
	5.5	Solid waste management plan	X	
	5.6	Storm water drainage plan	X	
	5.7	Street light plan	X	
	5.9	Landscape plan	X	
	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	X	
<p><b>Note:</b> 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><b>5. The status of mandatory documents to be uploaded online before registration is as under:</b></p>				
	<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	√	08.02.2021
	2.	Documents relating to the entry of license and collaboration agreement in the revenue record	√	08.02.2021
	3.	Non-default certificate from a chartered accountant	√	12.02.2021
	4.	Cash flow statement of the proposed project	√	12.02.2021
	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	X	
	<b>6.</b>	<b>The documents uploaded online have been checked and same are found in order.</b>	Checked and not found in order	






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.		NO				
8.	Following are the deficiencies in the online application form:						
	Sr. No.	Status of deficiencies in online application					
	1.	Deficiencies are found and needs to be corrected.					
<b>DETAILED PROJECT INFORMATION: SCRUTINY</b>							
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	32 of 2020	31.10.2020	30.10.2025	
		2.	Zoning plan approval	7581	02.11.2020		
		3.	Building plan / site plan approval	ZP-1452/AD(RA)/2021/3372	10.02.2021	09.02.2026	
		4.	Environment Clearance approval	Applied	23.02.2021		
	10.2	Approvals either applied for or obtained prior to registration. (These approvals if applied be obtained within three months of issue of registration certificate. After approval intimation, be given to the authority and online updation be done.)					
		1.	Airport height clearance	Clarificati on Given			
		2.	Fire scheme approval	Applied	04.03.2021		
		3.	Service plan estimates approval	Applied	04.03.2021		
		4.	Electrical load availability connection	Ch-95	04.02.2021		



10.3	<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	N/A		
	3.	Tree cutting permission from DFO NOC	Undertaking Provided		
	4.	Forest diversion land	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-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	




	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	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.	The annexures in the online are not uploaded as well as the correction needs to be done in the online (A-H).	
	2.	Environment Clearance needs to be submitted but application already applied in the concerned department.	
	3.	Fire Scheme Approval needs to be submitted but application already applied in the concerned department.	
	4.	Approved Service Plan and Estimates needs to be submitted but application already applied in the concerned department.	
			 <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	YES
	2.	In case of change in name of entity, whether previous incorporation certificate/ identity document is attached	NO
	3.	Whether director's information as required alongwith supporting documents like address proof, PAN card, passport, etc. are attached?	YES
	<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?	Collaboration agreement 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 - 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?	YES
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.	YES
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	YES
<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.	Company has been regularly paying statutory dues as per CA Certificate produced by the promoter.
21.	Net worth of promoter (as per latest balance sheet)	Negative net worth of ₹ 56.39 Crore as per financial year 2019-20.
<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 deficiencies are removed.
		 <b>Chartered Accountant</b>
13.	<b>Scrutiny by Legal 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				
	<table border="1"><thead><tr><th>S.no</th><th>Comments</th></tr></thead><tbody><tr><td>1.</td><td>All the deficiencies for this part are removed.</td></tr></tbody></table>	S.no	Comments	1.	All the deficiencies for this part are removed.	
S.no	Comments					
1.	All the deficiencies for this part are removed.					
		Legal Executive				
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;					
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 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 as per Rule 2(1)(f) of the Haryana Real Estate (Regulation and Development) Rules, 2017.					
4.	The promoter shall deposit hundred 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.					
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.					



# HARERA GURUGRAM

9.	The promoters shall submit list of unts 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.
10.	No separate EDC/IDC are payable by the allottees except the basic sale price on carpet area basis.
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 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.
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 units 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.	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.
18.	The promoter shall incorporate a condition in the allotment letter that buyer of unit shall enroll himself as a member of registered association under this project.
19.	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.
20.	As per section 13, 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 with such person and register the said agreement for sale, under any law for the time being in force.



**Additional Conditions**

21. The promoter shall submit the approved environment clearance, fire scheme approval, approved service estimate and plans within three months from the date of grant of registration certificate.
22. The promoter shall submit the bank guarantee of Rs. 10,00,000,00/- within seven days from the date of issuance of registration certificate. This bank guarantee shall be forfeited in case the conditions are not fulfilled by the promoter within 3 months from the date of issuance of this registration certificate.
23. The master account (100%) (50200055952382) shall be attached. No amount shall be withdrawn from this account till the submission of deficit documents in the authority. It is the responsibility of the concerned bank to freeze the master account till the conditions are not fulfilled by the promoter and the account will be defreeze as intimated by the authority.
24. In case of failure to submit the approved environment clearance, fire scheme approval and approved service estimate and plans within three months from the date of issuance of registration certificate, then the amount collected from the allottees will be refunded with interest at the prescribed rate within one month thereafter and the registration certificate shall be treated as deemed cancelled.

**DECISION OF THE AUTHORITY**

APPROVED

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

  
**Sh. Vijay Kumar Goel**  
Member, HARERA, Gurugram

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