



New PWD Rest House, Civil Lines, Gurugram, Haryana

नया पी.डब्ल्यू.डी. विश्राम गृह, सिविल लाईंस गुरुग्राम, हरियाणा

PROCEEDINGS OF THE DAY

Day and Date	Tuesday and 27.07.2021
Subject	Project Hearing
RPIN	333
Project	Elan Empire
Promoter	M/s Elan City LLP.
Represented through	Sh. Arvinder Dhingra
Proceeding recorded by	Sh. Ashish Kush, Planning Executive

Subject: Project hearing regarding the registration of commercial project "Elan Empire" admeasuring 1.4625 acres situated at Sector 66, Gurugram developed by M/s Elan City LLP.

Sh. Ashish Kush, Planning Executive briefed the facts about the project.

Sh. Arvinder Dhingra (SVP) is present on behalf of the promoter.

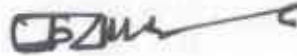
The promoter M/s Elan City LLP who is a third party right holder/sale deed holder applied for the registration of real estate project namely "Elan Empire" located at Sector-66, Gurugram under section 4 of the Real Estate (Regulations and Development) Act, 2016 vide central receipt no. 10284/19595 dated 19.05.2021 and RPIN-333. The Temp I.D. of REP - I (Part A-H) is RERA -GRG-PROJ-852-2021. The project area for registration is 1.4625 acres (a commercial site) in a residential plotted colony namely "Marbella" developed by Emaar India Limited (formerly known as Emaar MGF Land Limited). The residential plotted colony having total area 107.919 acres registered in two phases. Phase-I having area 41.86 acres was registered under the registration certificate no. 307 of 2017 dated 17.10.2017 and Phase-II having area 66.059 acres registered vide. registration no. 08 of 2021 dated 01.03.2021. The applied area for registration is falling in the Phase-I. The application for registration was scrutinized and 1st deficiency notice conveyed vide notice no. HARERA/GGM/RPIN/333 dated 27.05.2021 was issued to the promoter with an opportunity of being heard on 07.06.2021. The promoter submitted a reply on 03.06.2021 in the Authority and after the scrutiny of the reply some of the deficiencies were pending. On 07.06.2021, the hearing was adjourned due to COVID-19 Pandemic and fixed for 08.06.2021. On 08.06.2021, the promoter is advised to remove the deficiencies and matter is fixed for 01.07.2021. The promoter submitted the reply on 25.06.2021. On 01.07.2021, the authority directed the promoter to remove the deficiencies and matter is fixed for 15.07.2021. The promoter submitted the reply dated 07.07.2021 and 09.07.2021. On 15.07.2021, the authority directed the promoter to submit the deficit documents and adjourned the matter and fixed for 20.07.2021. The promoter submitted the reply on 14.07.2021 and 15.07.2021. After the scrutiny of these replies all the deficiencies are removed by the promoter. On 20.07.2021, the Authority decided to grant them



registration certificate as and when corrections are complete and adjourned the matter for 27.07.2021.

The promoter made the requisite corrections in online DPI and during hearing on 27.07.2021, the authority decided to grant the registration certificate.


Samir Kumar
(Member)



Dr. K.K. Khandelwal
(Chairman)


Vijay Kumar Goyal
(Member)



HARERA
GURUGRAM

HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

Temp ID- RERA-GRG-PROJ-852-2021

Elan Empire

AGENDA OF THE MEETING

DATED: 27.07.2021

ITEM NO.	RPIN		333
SUBJECT	Application for registration of project "Elan Empire" in Sector-66, Gurugram being developed by M/s Elan City LLP.		
APPLICATION DETAILS			
1.	Application for registration (for whole project/ phase)		Project
2.	Name of the project		Elan Empire
3.	(a)	Total licensed area of the project	107.919 acres
	(b)	Area applied for registration	1.4625 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- 66, 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		NEW
6.	Planning area		Gurgaon - Manesar Urban Complex - 2031 A.D.
CASE HISTORY			
Sr. No.	File status		Date

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



1.	Application for registration received on	20.05.2021
2.	First notice Sent on	24.05.2021
3.	First hearing on	07.06.2021
4.	Second hearing on	08.06.2021
5.	Third hearing on	01.07.2021
6.	Fourth hearing on	02.07.2021
7.	Fifth hearing on	15.07.2021
8.	Sixth hearing on	20.07.2021
9.	Seventh hearing on	27.07.2021

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 City LLP
2.	Legal capacity to act as applicant promoter	Third Party Right Holder
3.	Status of the promoter	Partnership Firm
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 Empire
	2.	Location of the project	Sector-66, 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	97 of 2010 dated 18.11.2010 and valid upto 18.11.2022 41 of 2011 dated 03.05.2021 and valid upto 15.09.2024
5.	Total licensed area of the project	107.919 acres
6.	Area for registration	1.4625 acres
7.	Nature of the project	Commercial Colony
8.	Name of the license holder	M/s Vishnu Apartments Pvt. Ltd. and Others
9.	Name of the collaborator (if any)	M/s Emaar MGF Land Ltd.
10.	Name of Third Party Right Holder	M/s Elan City LLP.
2.	Fee details	
1.	Fee details	
(a)	Registration fee	Rs 4,13,788/-
(b)	Late fee	NIL
(c)	Processing fee	Rs 1,10,638/-
(d)	Total	Rs 5,24,426/-
2.	DD Details	
(a)	DD amount	1. Rs 5,45,000/-
(b)	DD no. and date	1. 000367 dated 26.04.2021
(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-852-2021	
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	√	27.04.2021
2.	Demarcation plan	√	27.04.2021
3.	Zoning plan	√	27.04.2021
4.	Building plans includes following		
4.1	Site plan	√	27.04.2021
4.2	Floor plan	√	27.04.2021
4.3	Apartment plans	N/A	
4.4	Elevation section	√	27.04.2021
4.5	X-section plan	√	27.04.2021
4.6	Structural plan	X	
4.7	Parking plan	√	27.04.2021
5.	Service plans and estimates (copy of service plans and estimates upload)		
5.1	Roads and pavement plan	√	27.04.2021
5.2	Electricity supply plan	X	
5.3	Water supply plan	√	27.04.2021
5.4	Sewerage plan	√	27.04.2021
5.5	Solid waste management plan	X	
5.6	Storm water drainage plan	√	27.04.2021
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	X	

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.					
5.	The status of mandatory documents to be uploaded online before registration is as under:					
	Sr. No.	List of documents	Tick if provided	Date of upload document		
	1.	Copy of license along with schedule of land	√	27.04.2021		
	2.	Documents relating to the entry of license and collaboration agreement in the revenue record	√	27.04.2021		
	3.	Non-default certificate from a chartered accountant	√	15.07.2021		
	4.	Cash flow statement of the proposed project	√	15.07.2021		
	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	N/A			
6.	The documents uploaded online have been checked and same are found in order.			YES		
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		
8.	Following are the deficiencies in the online application form:					
	Sr. No.	Status of deficiencies in online application				
	1.	All the deficiencies are removed 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	97 of 2010	18.11.2010	18.11.2022		
			41 of 2011	03.05.2011	15.09.2024		
		2.	Zoning approval plan	ZP-690(Loose)/AD(RA)/2021/7228	17.03.2021		
				3.	Building plan / site plan approval	2005	15.04.2021
4.	Environment Clearance approval	SEIAA(128)/HR/2021/620	09.07.2021	08.07.2028			
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/RHQ/NR/ATM/NOC/2018/365/1899-1902	27.11.2018	26.11.2026		
			2.	Fire approval scheme	FS/2021/6	09.06.2021	
					3.	Service plan estimates approval	Memo No. LC-2169B(VOL)-JE(B)-2012/9426
			4.	Electrical availability load connection			Ch./08/D GR-26B
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	26G	02.04.2014			
			2.	Natural conservation zone NOC	N/A		



		3.	Tree cutting permission NOC from DFO				Affidavit Given	
		4.	Forest land diversion	N/A			Affidavit Given	
		5.	Power Line shifting NOC	N/A			Affidavit Given	
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-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				N/A	
		3.2	Whether it is irrevocable				N/A	
		3.3	Whether it provides marketing right to developer				N/A	
		3.4	Verify and report - any other restricting clause in such agreement				N/A	
		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)	Comments of Planning Executive						




Sr. No.	Deficiencies/Observations	
1.	All the deficiencies have been fulfilled by the promoter Registration fee, processing fee and late fee is duly paid by the promoter. Online corrections are done by the promoter.	
	 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	Provided
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 along with supporting documents like address proof, PAN card, passport, etc. are attached?	Provided
	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 Provided
5.	Whether supporting documents for land cost are attached?	Conveyance Deed provided
6.	Whether infrastructure cost as mentioned is in line with supporting documents?	N/A
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 - E - 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?	Project report Provided. An affidavit regarding the estimated cost of IDW submitted.
11.	Whether construction cost & other details as mentioned are in line with details in other sections?	YES
PART - H - 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?	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	N/A
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.	Elan City LLP is incorporated as on 16.10.2020. Hence data relating to previous years is not available on record.
21.	Net worth of promoter (as per latest balance sheet)	Net worth of ₹ 10 lakh Crore as per newly incorporated limited liability partnership as on 16.10.2020.



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?	N/A	
23.	Comments of Chartered Accountant		
	Sr. No.	Deficiencies/Observations	
	1.	All the deficiencies are removed.	
		<i>Ukanbij</i> Chartered Accountant	
13.	Scrutiny by Planning Executive		
	Sr. No.	Description	Scrutiny
	1.	Whether the collaboration agreement is registered?	N/A
	2.	Whether the collaboration agreement is irrevocable?	N/A
	3.	Whether the land mentioned in the collaboration agreement is same as mentioned in the license?	N/A
	4.	Whether the fact that project land licensed and bonded for setting up of a colony has been informed to the revenue department for entry in the record of ownership?	YES
	5.	Whether collaboration agreement gives right to develop, marketing, raising funds and allotment of real estate in totality?	N/A
	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
	S.no	Comments	
	1.	All the deficiencies are removed.	
		 Ashish PLANNING EXECUTIVE	
		Planning Executive	



14.	Conditions to be incorporated in the registration certificate:	
	1.	The promoter shall enter into an agreement for sale with the allottees as prescribed in The Haryana Real Estate (Regulation and Development) Rules, 2017;
	2.	The promoter shall offer to execute a registered conveyance deed of the apartment, plot or building, as the case may be, in favour of the allottee along with the undivided proportionate title in the common areas 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 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 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.
	9.	The promoters shall submit list of apartments, plots or buildings sold through real estate agents along with details of the commission and details of the property at the time of submission of quarterly progress report.
	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 plot/apartment/or building shall be sold only on carpet area basis and not on super area basis and the rate shall be inclusive of all charges like including GST/PLC. |
| 14 | There shall not be any subvention scheme for the registered project without prior approval of the authority. |
| 15 | The promoter shall make available all the approved plans of the project on the project site. |
| 16 | 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. |
| 17 | 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. |
| 18 | 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. |
| 19 | 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. |

DECISION OF THE AUTHORITY

APPROVED

Sh. Samir Kumar
Member, HARERA, Gurugram

V.1-2
Sh. Vijay Kumar Goyal
Member, HARERA, Gurugram


Dr. Krishana Kumar
Khandelwal
Chairman, HARERA, Gurugram