



PROCEEDINGS OF THE DAY

Day and Date	Tuesday and 17.08.2021
Subject	Project Hearing
RPIN	335
Project	AIPL Autograph
Promoter	M/s Advance India Projects Ltd.
Represented through	Mrs. Asmita Malhotra (AR) Ms. Pallavi Kalia (AR)
Proceeding recorded by	Sh. Ashish Kush, Planning Executive

Subject: Project hearing regarding the registration of cyber park colony namely "AIPL Autograph" admeasuring 6.1375 acres situated at Sector 66, Gurugram developed by M/s Advance India Projects Ltd.

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

Sh. Nishit Khandelwal (Authorised Signatory), Ms. Asmita Mehrotra (Authorised Signatory) and Ms. Pallavi Kalra (Authorised Signatory) are present on behalf of the promoter.

The promoter M/s Advance India Projects Ltd. who is a change of Developer and Transfer of license (License Holder) applied for the registration of real estate project namely "AIPL Autograph" located at Sector-66, Gurugram under section 4 of the Real Estate (Regulations and Development) Act, 2016 vide central receipt no. 19330/19702 dated 03.06.2021 and RPIN-335. The Temp I.D. of REP - I (Part A-H) is RERA -GRG-PROJ-818-2021. The project area for registration is same as that of the licensed area i.e. 6.1375 acres. License no - 112 of 2012 dated 27.10.2012. The application for registration was scrutinized and 1st deficiency notice vide notice no. HARERA/GGM/RPIN/335 dated 11.06.2021 was issued to the promoter with an opportunity of being heard on 23.06.2021. On 23.06.2021, Ms Asmita Mehrotra (Authorise Signatory), Ms. Pallavi Kalia (Authorise Signatory), Sh. Saikat Sardar (Authorise Signatory) were present on behalf of the promoter. AR was submitted the reply in the hearing itself and the same needs to be examined by the office. The agreement made with the lender, Vis a vis the banker regarding escrow account and transfer of 70% amount in same and lien thereon needs to be examined by Mr. Naresh Kumar (CA) and to give his findings and recommendations. The AR also apprised that service plan and estimates have also been submitted to the competent authority for approval and is under their consideration and next hearing is fixed for 06.07.2021. The reply dated 25.06.2021 is scrutinized but deficiencies not removed by the promoter. On 06.07.2021, the authority directed the promoter to remove the deficiencies and matter is fixed for 20.07.2021. On 06.07.2021, the promoter submitted the approval letter of service plans and estimates. On 12.07.2021 and 14.07.2021 the promoter submitted the

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Ashish
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representation regarding the late fee. On 20.07.2021, the promoter submitted the reply and the authority decided to adjourn the matter for 27.07.2021. On 27.07.2021, the hearing was adjourned for 10.08.2021. The promoter submitted the reply dated 27.07.2021 and 06.08.2021 after scrutiny of the reply some of the deficiencies are remaining which are mentioned below:

1. Deficit Fee- Rs 99,44,741/-. Kindly submit the clarification regarding the applicability of late fee- Rs 99,76,941.
2. Fire Scheme Approval needs to be submitted.

On 10.08.2021, the matter was adjourned for 12.08.2021. On 12.08.2021, the matter was adjourned and fixed for 17.08.2021.

The authority decided to refer the matter regarding the late fee and representation of the promoter for a legal opinion from the committee consisting of legal experts namely Mr. Venkat Rao, Advocate (independent member) and Mrs. Geeta Rathee Singh, Legal Officer of the Authority.

The legal officer of the Authority is of the view that the Authority is well within its rights to communicate deficit fee on the promoter as the project falls within the definition of ongoing project and the promoter failed to get it registered within a period of 3 months from the date of commencement of the Real Estate (Regulation and Development) Act, 2016 and as per the independent report or the legal opinion submitted by Mr. Venkat Rao, Advocate submitted that the project was required to be registered at the certain earlier point in time but is seeking registration with a delay. Therefore, considering the facts mentioned in the report, Mr. Venkat Rao, Advocate is of the view that even though the deficit fee is chargeable, the authority may suitably consider waiving off the requisite deficit fee.

Copy of the legal opinion of the Law Officer of the Authority and independent 3rd party i.e. Advocate Mr. Venkat Rao was handed over to the AR of the promoter. The promoter may respond to the legal opinion within 7 days and also give an undertaking that if after considering the response of the promoter the Authority decides levying of standard fee for late submission of application of registration the promoter shall deposit the requisite standard fee within 15 days of raising the demand. The project is covered in the definition of ongoing project if strictly go by the definition of ongoing projects as per rule 2 (o) of the Haryana Real Estate (Regulation and Development) Rules, 2017. The original licence holder was to apply to the Authority for registration of the ongoing project. Now the licence has been transferred in the name of Advance India Projects Ltd. and shall be responsible for all compliances of all terms and conditions of the said licence.

The fire scheme has been submitted to the competent authority on 16.04.2021 and copy of the same has also been submitted to the Authority. The Authority decided to grant two months' time to the promoter for obtaining the fire scheme and submitting the same to the Authority.

The Authority decided to grant registration subject to conditions mentioned above and deposit of Bank guarantee amounting to Rs. 50 lakhs along with an undertaking to deposit the deficit if decided by the Authority after considering the response of the

promoter.

The matter to come up for follow up on 19.10.2021.


Samir Kumar
(Member)

V.I - S
Vijay Kumar Goyal
(Member)

Dr. K.K. Khandelwal
(Chairman)


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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 (नियमन और विकास) अधिनियम, 2016 की धारा 20 के अंतर्गत गठित प्राधिकरण
भारत की संसद द्वारा पारित 2016 का अधिनियम संख्यांक 16

