

New PWD Rest House, Civil Lines, Gurugram, Haryana नया पी.डब्ल्यू.डी. विश्राम गृह सिविल लाईंस गुरुग्राम, हरियाणा

Project Anand Niketan  
Promoter M/s N S Buildtech Pvt. Ltd.

**PROJECT HEARING BRIEF**

SNo.	Particulars	Details	
1.	Name of the project	Anand Niketan	
2.	Name of the promoter	M/s N.S. Buildtech Pvt. Ltd.	
3.	Nature of the project	Affordable Residential Plotted Colony under DDJAY	
4.	Location of the project	Sector 2, Sohna, Gurugram	
5.	Legal capacity to act as a promoter	Collaborator	
6.	Name of the license holder	1. Sh. Surjeet Arora S/o Sh. Bishamber Arora 2. Sh. Anoop Arora S/o Sh. Ajit Arora	
7.	Whether registration applied for whole/ phase	Whole	
8.	Status of project	New	
9.	Online application ID	RERA- GRG- PROJ- 1131- 2022	
10.	License no.	103 Of 2022	Valid up to 27.07.2027
11.	Total licensed area	9.9583 Acres	Area to be registered 9.9583 Acres
12.	Project completion date as declared u/s 4(2)(I)(c)	26.07.2027	
13.	QPR compliance	N/A	
14.	4(2)(I)(D) compliance	N/A	
15.	Statutory approvals either applied for or obtained prior to registration		
	S.No.	Particulars	Validity up to
	i)	License Approval	27.07.2027
	ii)	Zoning Plan Approval	15.11.2022
	iii)	Layout plan Approval	29.07.2022
	iv)	Environmental Clearance	N/A
	v)	Airport height clearance	N/A
	vi)	Fire scheme approval	N/A

**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  
भू-संपदा (विनियमन और विकास) अधिनियम, 2016 की धारा 20 के अर्तगत गठित प्राधिकरण  
भारत की संसद द्वारा पारित 2016 का अधिनियम संख्यांक 16

	vii)	Service plan and estimate approval	Recommended from Superintendent, HSVP Gurugram to Chief Engineer -I, HSVP, Panchkula.
	viii)	Electricity load availability connection	22.07.2022
16.	<b>Fee details</b>		
	<b>Registration fee</b>		$(1611.99 \times 10) + (38687.756 \times 5) = \text{Rs. } 2,09,559/-$
	<b>Processing Fee</b>		$40299.746 \times 10 = \text{Rs. } 4,02,998/-$
	<b>Late fee</b>		Nil
	<b>Total fee</b>		<b>Total = Rs. 6,12,557/-</b>
17.	<b>DD amount</b>		4,03,500/- 2,02,000/- 7,058/-
	<b>DD no. and date</b>		507537 dated 11.08.2022 507538 dated 11.08.2022 507661 dated 04.10.2022
	<b>Name of the bank issuing</b>		ICICI Bank
	<b>Deficient amount</b>		Nil
18.	<b>File Status</b>		<b>Date</b>
	<b>Project received on</b>		05.09.2022
	<b>First reply submitted on</b>		08.09.2022
	<b>First hearing on</b>		03.10.2022
	<b>First reply submitted on</b>		10.10.2022
	<b>Second reply submitted on</b>		14.10.2022
	<b>Second hearing on</b>		17.10.2022
	<b>Third hearing on</b>		14.11.2022
	<b>Third reply submitted on</b>		18.11.2022
	<b>Fourth reply submitted on</b>		23.11.2022
	<b>Fifth reply submitted on</b>		28.11.2022
19.	<b>Status of documents</b>		<p>1. Deficit fee of Rs. 7,057/- needs to be paid. <b>Status: Submitted through DD no. 507661 dated 04.10.2022 of ICICI bank.</b></p> <p>2. Revised builder buyer agreement in prescribed format needs to be revised. <b>Status: Submitted</b></p>

		<p>3. KYC of the director needs to be provided. <b>Status: Submitted</b></p> <p>4. Non encumbrance certificate not below the rank of tehsildar needs to be submitted. <b>Status: Issued by sub- registrar</b></p> <p>5. PERT chart of the project needs to be revised. <b>Status: Submitted</b></p> <p>6. MOA need to be provided. <b>Status: Submitted</b></p> <p>7. A copy of superimposed demarcation plan on approved layout plan needs to be submitted. <b>Status: Submitted</b></p> <p>8. Terms regarding marketing rights as per collaboration agreement need to be clarified. <b>Status: An MoU between landowners and collaborator submitted for clarification.</b></p> <p>9. REP II needs to be uploaded in online DPI and provided. <b>Status: Submitted</b></p> <p>10. AOA need to be provided. <b>Status: Submitted</b></p> <p>11. Financial resources of the project need to be clarified. <b>Status: Submitted</b></p> <p>12. Approved demarcation plan needs to be submitted. <b>Status: Not applicable as approved zoning plan is submitted.</b></p> <p>13. Approved zoning plan needs to be submitted. <b>Status: Submitted</b></p> <p>14. Payment plan needs to be revised. <b>Status: Submitted</b></p> <p>15. Affidavit of promoter regarding arrangement with the bank of master account needs to be submitted. <b>Status: Submitted</b></p>
20.	<b>Deficit documents</b>	<p>1. Hard copy of corrected DPI and A-H needs to be submitted.</p> <p>2. Copy of approved service plans and estimates along with the sanction letter from DTCP, Haryana needs to be submitted.</p>
21.	<b>Case history-</b>	<p>The promoter, i.e., M/s N S Buildtech Pvt. Ltd. has applied on dated 05.09.2022 for registration of their affordable plotted colony under DDJAY namely "Anand Niketan" located at Sector 2, Sohna, Gurugram, under section 4 of Real Estate (Regulation and Development), Act 2016.</p> <p>This application is for project land admeasuring an area of 9.9583 acres for which license no. 103</p>

of 2022 dated 28.07.2022 is issued by DTCP in favour of Sh. Surjeet Arora S/o Sh. Bishamber Arora and Sh. Anoop Arora S/o Sh. Ajit Arora in collaboration with M/s N S Buildtech Pvt. Ltd.

The current project comprises of 172 plots out of which 87 are frozen and a commercial block being developed by M/s N S Buildtech Pvt. Ltd.

On scrutiny of the application, it was found that there were deficiencies in the application which were conveyed to the promoter and an opportunity of hearing is provided to the promoter on 03.10.2022.

Proceedings dated 03.10.2022

Ar. Neeraj Gautam, Associate Architectural Executive and Ms. Asha, Chartered Accountant briefed the facts of the case. Sh. Surjit Arora (Director) is present on behalf of the promoter. Deficiencies have already been communicated. Promoter is advised to rectify the deficiencies and submit deficient documents, as detailed above. Deficit fee, if any, be also paid before the next date of hearing along with proof of having deposited the deficit fee. The matter to come up on 17.10.2022.

In the meantime, the promoter submitted replies dated 10.10.2022 and 14.10.2022 which has been scrutinized.

Proceedings dated 17.10.2022

Ar. Neeraj Gautam (Associate Architectural Executive) and Ms. Asha (Chartered Accountant) briefed the facts of the case. Sh. Surjit Arora (AR) is present on behalf of the promoter. Deficiencies have already been communicated. Promoter is advised to rectify the deficiencies and submit deficient documents, as detailed above. The matter to come up on 14.11.2022

Meanwhile, it is noted that prior to the submission of application of registration by the promoter, the Authority received a complaint from Garg Villa Pvt. Ltd. submitted through Dak ID 17990/40088 dated 26.08.2022 regarding concealment of facts by Sh. Surjeet Arora and Sh. Anoop Arora in collaboration with M/s N S Buildtech Pvt. Ltd while obtaining license no 103 of 2022 dated 29.07.2022 for setting up an affordable plotted colony over land admeasuring an area measuring 9.9583 acres in sector- 02, Sohna, Gurugram.

The complainant has made the following assertions:

1. That the collaboration agreement dated 08.06.2012 signed amongst Garg Villas and Sh. Ajit Arora HUF & Sh. Surjit Arora HUF for the development of land measuring 133 kanals and 7 marlas situated within revenue estates of Sohna, Gurugram. The said agreement is registered with sub- registrar, Sohna at volume no. 1842 dated 08.06.2012 at Book no. 1, Jild no. 2069 at page no. 62.
2. Along with the agreement, an irrevocable Power of Attorney dated 08.06.2012 was executed by Arora HUFs in favour of the developer- cum- owner. The POA is registered with sub- Registrar, Sohna at volume no. 48, Book no. 4, Jild no. 122 at page no. 13. The developer- cum- owner paid substantial consideration of Rs. 10,83,42,000/- to the Arora HUFs in 2012 and has incurred substantial amounts towards license fees, conversion charges, IDC/EDC and other charges. Therefore, it was agreed that the POA shall be irrevocable.
3. The parties had executed an addendum/ supplementary agreement dated 29.07.2014 as

an extension to the collaboration agreement, wherein it was agreed that the collaboration agreement shall be irrevocable and no modification/ alterations, etc. in terms and conditions of the collaboration agreement can be undertaken without obtaining prior approval of DTCP.

4. The possession of land has been transferred to the developer- cum owner in furtherance of the irrevocable and registered collaboration agreement and power of attorney.
5. That, by the virtue of afore mentioned irrevocable and registered collaboration agreement and power of attorney coupled with transfer of possession, payment of substantial considerations, a valuable interest and rights of the developer- cum- owner have been created over the land which is in- alienable by Arora HUFs.
6. The Arora HUFs acted illegally, dishonestly and fraudulently and purportedly transferred part of land in favour of his son Mr. Anoop Arora on 14.10.2021, without any prior intimation or consent of the developer-cum- owner and without any approval of DTCP. The title of the land is defective and it is also recognized by Deputy Commissioner, Gurgaon vide its letter dated 13.05.2022.
7. The Arora HUFs transferred part of land in favour of his son Mr. Anoop Arora and thereafter, by concealing material information and distorting facts illegally obtained DTCP license.
8. The Garg Villas is approaching the court of competent jurisdiction against the illegal and unlawful actions of the Arora HUFs to safeguard its interests, rights and title over the land and has further, requested the Authority not to proceed with the registration of the license/ project before a court verdict comes.

#### Proceedings dated 17.10.2022

Ar. Neeraj Gautam (Associate Architectural Executive) and Ms. Asha (Chartered Accountant) briefed the facts of the case. Sh. Surjit Arora is present on behalf of the promoter. Meanwhile, it is noted that prior to the submission of application of registration by the promoter, the Authority received a complaint from Garg Villa Pvt. Ltd. submitted through Dak ID 17990/40088 dated 26.08.2022 regarding concealment of facts by Sh. Surjeet Arora and Sh. Anoop Arora in collaboration with M/s N S Buildtech Pvt. Ltd while obtaining license no 103 of 2022 dated 29.07.2022 for setting up an affordable plotted colony over land admeasuring an area measuring 9.9583 acres in sector- 02, Sohna, Gurugram. A copy of the said complaint is handed over to the promoter for reply/clarification on the next date of hearing. The authority considered the application for registration of above-mentioned real estate project u/s 4 of the Act of 2016. The promoter is required to enclose the requisite documents as provided in section 4(2) of the Act of 2016 and the rules and regulations made thereunder. The deficiencies have already been communicated as detailed above. The promoter is advised to rectify the deficiencies within 15 days otherwise the Authority may proceed to initiate proceedings to reject the application u/s 5(1)(b) of Act of 2016 read with rule 5 of the Haryana Rules, 2017 for the reason regarding deficiencies in the application and non-submission of requisite documents. The matter to come up on 28.11.2022.

The promoter has submitted a detailed reply against the complaint received in the Authority on 23.11.2022.

#### **Brief of reply submitted by promoter against the complaint**

1. The land owners (Sh. Surjeet Arora and Sh. Anoop Arora) in collaboration with the Garg Villas Pvt. Ltd. (complainant) was granted license no. 95 of 2014 dated 13.08.2014.
2. On account of non- recovery of dues, the DTCP stated that the above license was liable to be cancelled vide order dated 12.07.2018.
3. Vide DTCP order dated 14.09.2020, the applicant of surrender of license no. 95 of 2014 submitted by the licensees was considered. The order states that the land owners are free to apply afresh in collaboration with any willing developer company for the grant of license as per provisions of Act/ Rules and policies of the Department.
4. LOI dated 15.04.2022 for development of DDJAY plotted colony over the land measuring 9.9583 was granted to the land owners and the license no. 103 of 2022 was granted to the landowners in collaboration with M/s N S Buildtech Pvt. Ltd. on 28.07.2022.

*There is no force in the complaint. Authority may consider to file it.*

22. **Recommendations:**

The promoter has submitted all the requisite documents except the approved service plans and estimates.

The project is recommended for the grant of registration subject to the submission of security amount of Rs. 25 lacs in the Authority on account of submission of approved service plans and estimates in the Authority within three months from the date of grant of registration. This security amount shall be forfeited in case the promoter fails to submit the approval of service plans and estimates in the Authority within the stipulated time.

*Asha*  
(Asha)  
Chartered Accountant

*Neeraj*  
(Ar. Neeraj Gautam)  
Associate Architectural Executive

Day and Date of hearing	Monday and 28.11.2022
Proceeding recorded by	Sh. Ram Niwas

**PROCEEDINGS OF THE DAY**

Proceedings dated 28.11.2022

Ar. Neeraj Gautam (Associate Architectural Executive) and Ms. Asha (Chartered Accountant) briefed the facts of the case. Sh. Surjit Arora, and Shri Ajit Arora, Directors are present on behalf of the promoter.

Approved as recommended above.

*Sanjeev*  
(Sanjeev Kumar Arora)  
Member, HARERA, Gurugram

*Ashok*  
(Ashok Sangwan)  
Member, HARERA, Gurugram

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

*Dr. K.K. Khandelwal*  
(Dr. K.K. Khandelwal)  
Chairman, HARERA, Gurugram

*The promoter submitted BG in form of DD no. 508010 dated 28.11.2022 amounting Rs. 25 lacs.*