



Project hearing brief

S.No.	Particulars	Details	
1.	Name of the project	M3M Escala	
2.	Name of the promoter	M/s M3M India Pvt Ltd	
3.	Nature of the project	Group Housing	
4.	Location of the project	Sector 70A, Gurugram	
5.	Legal capacity to act as a promoter	BIP Holder (in principal approval)	
6.	Name of the license holder	1. M/s Vibhor Home Developers Pvt. Ltd. 2. M/s Haamid Real Estate Pvt. Ltd. 3. M/s Dae real Estate Pvt. Ltd. 4. M/s Pegeen Builders Pvt. Ltd. 5. M/s Red Topaz Real Estate Pvt. Ltd. 6. M/s Philia Estate Developers Pvt. Ltd. 7. M/s Nililma Real Estate Pvt. Ltd. 8. M/s Finian Estates Developers Pvt. Ltd. 9. M/s Abheek Real estate Pvt. Ltd.	
7.	Name of the collaborator	M/s DLF Home Developers Limited	
8.	Name of the BIP Holder	M/s M3M India Pvt Ltd and others	
9.	Status of project	Ongoing (OC Obtained)	
10.	Whether registration applied for whole/ phase	Phase	
	Phase no.	Not Mentioned	
11.	Online application ID	RERA-GRG-907-2021	
12.	License no.	16 of 2009 dated 29.05.2009	Valid till 28.05.2024
13.	Total licensed area	27.471 Acres	Area to be Registered 3.26706 Acres
14.	Projected completion date	Not Mentioned	
15.	Statutory approvals either applied for or obtained prior to registration		
S.No	Particulars	Date of approval	Validity up to
i)	License Approval	16 of 2009 dated 29.05.2009	28.05.2024
ii)	Zoning Plan Approval	19.04.2010	
iii)	Building plan Approval	27.01.2017	26.01.2022
iv)	Environmental Clearance	15.09.2020	03.09.2023
v)	Airport height clearance	23.04.2010	
vi)	Fire scheme approval	06.03.2018	
vii)	Service plan and estimate approval	18.05.2017	

16.	Fee Details	
	Registration Fee	19713.415*1.75*10 = Rs 3,44,985/-
	Processing Fee	300% of registration fee = Rs 10,34,955
	Late Fee	19173.415*10 = Rs 1,91,734/-
	Total Fee	Rs 15,71,674/-
17.	DD amount	1. Rs 3,07,500/- 2. Rs 2,01,700/-
	DD no. and date	1. 500199 dated 16.08.2021 2. 500200 dated 16.08.2021
	Name of the bank issuing	ICICI Bank
	Deficient amount	Rs 10,62,474/-
18.	File Status	Date
	Project received on	25.08.2021
	1 st deficiency notice sent on	09.09.2021
	1 st hearing on	21.09.2021
	2 nd hearing on	05.10.2021
	3 rd hearing on	19.10.2021
	4 th hearing on	09.11.2021
	5 th hearing on	13.12.2021
	6 th hearing on	27.12.2021
	7 th hearing on	17.01.2022
	8 th hearing on	31.01.2022
	9 th hearing on	15.03.2022
	10 th hearing on	18.04.2022
	11 th hearing on	09.05.2022
	12 th hearing on	23.05.2022
	13 th hearing on	27.09.2022
	14 th hearing on	11.10.2022
	15 th hearing on	26.10.2022 (adjourned)
16 th hearing on	27.10.2022	
17 th hearing on	21.11.2022	
19.	Status of documents	1. Online corrections in REP-I (Part A-H) needs to be done. Status: Not done 2. <u>Corrections in detailed project information needs to be done.</u>

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

	<p>Status: Online DPI not submitted.</p> <p>3. Deficit fees of Rs. 10,62,474/- needs to be paid. Status: Not paid.</p> <p>4. Details of litigation not provided. Status: Not provided.</p> <p>5. Entry of collaboration agreement in revenue record needs to be done. Status: Not provided.</p> <p>6. Approvals for water supply, sewage disposal, storm water drainage and road from competent authority needs to be submitted. Status: Not provided.</p> <p>7. Details of all the community facilities which shall be handed over to the RWA or competent authority and to be constructed by the promoter itself and not forming part of basic sale price needs to be provided. Status: Not provided.</p> <p>8. Details of sold and unsold inventory plot wise including size of plot, average rate and total consideration needs to be submitted. Status: Details of EWS units not submitted.</p> <p>Folder A</p> <p>Part-B-Statutory Approvals</p> <p>9. Copy of LC IV and LC-IV A not submitted. (Annexure A3) Status: Not provided.</p> <p>10. Copy of final BIP approval needs to be submitted. (Annexure A4) Status: Not provided.</p> <p>11. Copy of collaboration agreement not submitted. (Annexure A5) Status: Causes regarding irrevocable and sharing clause needs to be clarified.</p> <p>12. Revised project report needs to be submitted which includes all the sale proceeds till date, financial resources, cost of construction etc. (Annexure A6) Status: Needs to be revised.</p> <p>13. NEC for the remaining area needs to be submitted. (Annexure A13) Status: Not provided.</p> <p>14. REP-II needs to be revised. (Annexure A15) Status: Needs to be revised.</p> <p>15. Copy of forest NOC not submitted. (Annexure A20) Status: Not provided.</p> <p>16. Copy of HUDA construction water NOC not submitted. (Annexure A25) Status: Not provided.</p> <p>Part-E-Project Cost/sale Proceeds</p> <p>17. Cost of Land needs to be clarified according to the area applied for registration, an annexure in support of the same needs to be provided. Status: Not provided.</p>
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	<p>18. External development, Internal development charges, conversion charges, license fees need to be clarified. Status: Not clarified.</p> <p>19. All the three-bank account i.e., Master Account, Separate RERA Account, Free Account needs to be submitted. Status: Not provided.</p> <p>Folder B</p> <p>Project proponents</p> <p>20. Details of structural engineer and proof consultant along with KYC not provided. Status: Not provided.</p> <p>21. Details of real estate agents not provided. Status: Details not provided.</p> <p>Folder C</p> <p>Various plans to be annexed</p> <p>22. Copy of approved electricity supply plan, streetlighting plan, landscape plan needs to be submitted. Status: Approved plans not provided.</p> <p>23. Copy of superimposed demarcation plan on approved site plan on A1 sheet not submitted. (Annexure C14) Status: Needs to be revised.</p> <p>24. Road connectivity map showing existing and proposed road along the site needs to be submitted. Status: needs to be revised.</p> <p>25. PERT Chart needs to be submitted. (Annexure C15) Status: Not provided. Completion certificate not obtained.</p> <p>26. Copy of approved fire scheme plans along with scheme needs to be submitted. (Annexure C22) Status: Approved plans along with fire scheme not provided.</p> <p>Folder D</p> <p>Financial Documents and Allottee related draft documents</p> <p>27. Application form, allotment letter, builder buyer agreement, conveyance deed, payment plan, payment receipt executed with the existing allottees needs to be submitted. (D15, D16, D17, D18, D19) Status: Executed legal documents submitted but not matching with the booking list.</p> <p>28. Allotment letter, conveyance deed, payment plan and payment receipt, builder buyer agreement in the prescribed format need to be submitted. Status: Not as per prescribed format. Needs to be revised.</p> <p>29. Copy of draft application form needs to be revised. Status: Not as per prescribed format. Needs to be revised.</p> <p>Part-H- Separate bank account details</p> <p>30. Copy of Pan card, Aadhaar card, address proof of the person operating bank account needs to be submitted. (D8, D9, D10)</p>
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		<p>Status: KYC of all AS not provided.</p> <p>31. Board resolution duly acknowledged by bank for operation of bank account mentioning all three account nos. needs to be submitted. (D11) Status: BR not mentioning the name pf all three account.</p> <p>32. Affidavit by the promoter regarding arrangement with the financial institution to abide by the provision of RERA needs to be submitted. (Annexure D12). Status: not provided.</p> <p>33. Bank undertaking needs to be submitted. (Annexure D13) Status: Not provided.</p> <p>Additional documents in case of ongoing projects</p> <p>34. CA certificate for financial and inventory details in respect of ongoing project needs to be submitted. (Annexure D20) Status: Needs to be revised. Financial figures not provided.</p>
20.	Deficit fee	<ol style="list-style-type: none"> 1. Online corrections in REP-I (Part A-H) needs to be done. 2. Corrections in detailed project information needs to be done. 3. Deficit fees of Rs. 10,62,474/- needs to be paid. 4. Details of litigation not provided. 5. Entry of collaboration agreement in revenue record needs to be done. 6. Approvals for water supply, sewage disposal, storm water drainage and road from competent authority needs to be submitted. 7. Details of all the community facilities which shall be handed over to the RWA or competent authority and to be constructed by the promoter itself and not forming part of basic sale price needs to be provided. 8. Details of sold and unsold inventory plot wise including size of plot, average rate and total consideration needs to be submitted. Status: Details of EWS units not submitted. 9. Copy of LC IV and LC-IV A not submitted. (Annexure A3) 10. Copy of final BIP approval needs to be submitted. (Annexure A4) 11. Copy of collaboration agreement not submitted. (Annexure A5) 12. Revised project report needs to be submitted which includes all the sale proceeds till date, financial resources, cost of construction etc. (Annexure A6) 13. NEC for the remaining area needs to be submitted. (Annexure A13) 14. REP-II needs to be revised. (Annexure A15) 15. Copy of forest NOC not submitted. (Annexure A20) 16. Copy of HUDA construction water NOC not submitted. (Annexure A25) 17. Cost of Land needs to be clarified according to the area applied for registration, an annexure in support of the same needs to be provided. 18. External development, Internal development charges, conversion charges, license fees need to be clarified.

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Case History:

The promoter i.e. M/s M3M India Pvt Ltd has applied (online and manual) on dated 25.08.2021 for registration of their group housing colony project namely "M3M Escala" in sector 108, Gurugram under section 4 of Real Estate (Regulation and Development), Act 2016.

This application pertains to registration of group housing residential colony which has been licensed vide license no. 16 of 2009 for area admeasuring 27.471 acres valid upto 28.05.2024 issued in favour of various license holders in collaboration with M/s DLF Home Developers Ltd.

DTCP, Haryana had issued in principle approval of change of developer from DLF Home Developers Pvt Ltd to Haamid Real Estates Pvt Ltd and grant joint development rights and marketing rights in favour of Capital Heights Pvt Ltd, Classic Infrsolutions Pvt Ltd, M3M India Pvt Ltd, Advance India Projects Pvt Ltd vide memo no. LC-139-II-JE(VA)/2020/13145 dated 27.07.2020.

The present application pertains to registration of 3.26706 acres applied by M/s M3M India Pvt Ltd in legal capacity of BIP holder for which occupation certificate was obtained on 02.08.2018 vide memo no. memo. No. ZP-545/SD(BS)/2018/23018 dated 02.08.2018 for towers M1, M2 and EWS.

On scrutiny of application, it was found that there were deficiencies in the application which have been mentioned in PE and CA scrutiny. Online corrections were found in Rep-I (Part A-H). Hence, the promoter may be issued 1st deficiency notice vide notice no. HARERA/GGM/RPIN/365 dated 09.09.2021 to remove the above deficiencies/ observations and given an opportunity of hearing on 21.09.2021.

On 14.09.2021, the promoter has submitted an application requesting the authority for the adjournment of hearing because the concerned staff who is well conversant with the project is bed ridden with illness. Therefore, the promoter request to grant time till 30.09.2021 for removal of deficiencies and defer the hearing schedule for 21.09.2021.

On 21.09.2021, it has come to the notice of the authority that the promoter has submitted an application on 14.09.2021 requesting the authority for the adjournment of hearing because the concerned staff who was well conversant with the project was bed ridden with illness. Therefore, the authority considers the request of the promoter to grant week time for removal of deficiencies and deferred the hearing schedule for 21.09.2021. The matter decided to come up on 05.10.2021.

On 05.10.2021, the promoter had not submitted the reply of 1st deficiency notice.

A comprehensive report was yet to be come from DTCP, promoters and co-promoters. Nothing could be done in absence of patent material fact. The matter decided to come up on 19.10.2021.

On 19.10.2021, a comprehensive report is yet to come from DTCP regarding promoters and co-promoters. Nothing could be done in absence of patent material fact. The matter decided to come up on 09.11.2021.

On 09.11.2021, the promoter was directed to obtain final approval of BIP permission from the competent authority. Nothing could be done in absence of patent material fact. In meanwhile the promoter was advised to rectify the remaining deficiencies which were already conveyed. The matter decided to come up on 13.12.2021.

On 13.12.2021, the promoter is directed to submit the deficit documents along with online DPI. The matter to come up on 27.12.2021.

On 27.12.2021, matter adjourned for 17.01.2022.

On 17.01.2022, matter adjourned for 31.01.2022.

On 31.01.2022, the promoter is directed to submit the deficit documents along with corrected online DPI and REP-I (Part A-H). Matter adjourned for 15.03.2022.

On 15.03.2022, the reply to the deficiencies notice submitted by the applicant promoter was scrutinized and still major deficiencies were noticed including non-obtaining of the BIP permission in favour of the applicant promoter and other statutory approvals requires to be submitted. The AR of the promoter clarified that the instant project applied for registration as ongoing project measuring 3.2 acres only out of 27.47 acres Group Housing Complex licensed in favour of M/s Haamid Real Estates Pvt. Ltd. in collaboration with DLF Homes Developers Ltd. However, the remaining developers are not paying the share of their fee and hence final grant of BIP permission is held up in DTCP. The AR was advised for taking up the matter with T&CP Department for early grant of BIP permission and rectification of all other deficiencies already conveyed before the application for registration to be further proceeded. The matter to come up on 18.04.2022.

On 18.04.2022, none was present on behalf of the promoter. One last opportunity of 2 weeks' time is granted. The matter to come up on 09.05.2022.

On 09.05.2022, No one is present on behalf of the promoter. Keeping in view the brief facts of the case, the promoter is directed to submit all the deficit documents and deficit fees along with final approval of BIP which

is a mandatory requirement for grant of registration certificate. A notice be issued to the promoter for obtaining final BIP approval of the part of the project developed by them. Matter to come up on 23.05.2022.

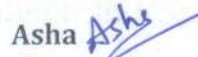
On 23.05.2022, No one appeared on behalf of the promoter. The promoter has not submitted the reply of the deficiencies which are conveyed to them nor submitted the final approval of BIP permission. The matter is sine die till the final approval of BIP permission is obtained from the competent authority.

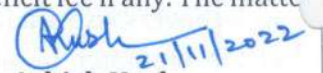
On 27.09.2022, JS Sindhu (EE/M) Executive briefed about the facts of the project and following major deficiencies have pointed out i.e. (1). Deficit Fee- Rs 10,62,474/- (2). Final BIP approval. (3). Non-encumbrance certificate. (4). Fire scheme approval. (5). Builder buyer agreement as per prescribed format. (6). Allotment letter as per prescribed format. The matter is adjourned for 11.10.2022.

On 11.10.2022, The major deficiencies are Final BIP Permission, Non- Encumbrance, Fire Scheme approval. Deficit Fee- Rs 10,62,474/-. The authorized representative of the promoter is advised to deposit the deficient fee as mentioned against each within 7 days otherwise their matter will not be heard on the next date of hearing i.e., 26.10.2022. The promoter is further advised to rectify the deficiencies and submit the deficient document apart from the filing of information in REP-I A to H format and detailed project information. The matter to come up on 26.10.2022.

On 26.10.2022, the coram is not complete. The hearing is adjourned for 27.10.2022.

On 27.10.2022, The promoter is directed to rectify the deficiencies and submit the deficit fee if any. The matter is adjourned for 21.11.2022.


Asha Ashu
 Chartered Accountant


Ashish Kush
 Planning Executive

Day and Date of hearing	Monday and 21.11.2022
Proceeding recorded by	Ram Niwas


PROCEEDINGS OF THE DAY


Proceedings dated: 21.11.2022.

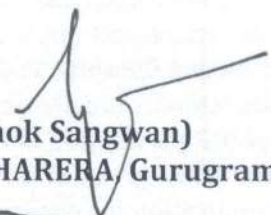
Sh. Ashish Kush, Planning Executive briefed about the facts of the case.

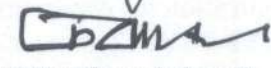
Sh. Manik Sharma (AR) and Sh. Abhijeet Singh (AR) are present on behalf of the promoter. The applied area of 3.26706 acres is a part of larger licensed area admeasuring 27.471 acres and granted in favour of M/s Haamid Real Estates Pvt. Ltd. & others wherein the applicant is neither a licensee nor a collaborator and hence the matter of grant of COD/BIP is under consideration of DTCP and the above application can be considered after its receipt. The AR states that the OC of the portion of area with the applicant was applied even before publication of the rules and stand obtained and hence requests for exemption of the late fee being charged. However, the Authority has already taken a view that the project is ongoing since no OC was obtained before above publication of above rules and hence the applicant was required to apply and seek the RC within three months of publication of above rules. Since the same was not adhered to and hence the applicant is advised to deposit the above deficit fee and other documents. AR seeks 4 weeks time for its submission as the matter is before DTCP and the permission of COD/BIP is required to be obtained by the licensee company.

The matter to come up on 26.12.2022.


(Sanjeev Kumar Arora)
 Member, HARERA, Gurugram


(Vijay Kumar Goyal)
 Member, HARERA, Gurugram


(Ashok Sangwan)
 Member, HARERA/ Gurugram


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