

Project hearing brief for registration u/s 4

S.No.	Particulars	Details		
1.	Name of the project	The Sixty Three		
2.	Name of the promoter	M/s DLF Home Developers Limited		
3.	Nature of the project	Group Housing colony		
4.	Location of the project	Sector 63. Gurugram		
5.	Legal capacity to act as a promoter	Collaborator		
6.	Name of the license holder	1. M/s Arlie Builders & Developers Private Limited 2. M/s Beyla Builders & Developers Private Limited 3. M/s Afaaf Builders & Developers Private Limited 4. M/s DLF Home Developers Limited 5. M/s Vamil Builders & Developers Private Limited 6. M/s Hoshi Builders & Developers Private Limited 7. M/s Zanobi Builders & Constructions Private Limited		
7.	Name of the collaborator	M/s DLF Home Developers Limited		
8.	Status of project	Ongoing		
9.	Whether registration applied for whole/ phase	Whole		
	Phase no.	N/A		
10.	Online application ID	RERA-GRG-1138-2022		
11.	License no.	123 of 2012 dated 20.12.2012	Valid till 19.12.2025	
12.	Total licensed area	25.087 Acres	Area to be Registered 25.087 Acres	
13.	Projected completion date	31.03.2030		
14.	QPR Compliances (if applicable)	N/A		
15.	4(2)(I)(D) Compliances (if applicable)	N/A		
16.	Statutory approvals either applied for or obtained prior to registration			
	S.No	Particulars	Validity up to	
	i)	License Approval	123 of 2012 dated 20.12.2012	19.12.2025
	ii)	Zoning Plan Approval	DGTCP-3630 dated 21.12.2012	
	iii)	Building plan Approval	ZP-1524/AD(RA)/2022/11631 Dated 28.04.2022	27.04.2027
		Revised Building Plan	ZP-1524/AD(RA)/2023/2097 dated 20.01.2023	19.01.2028
	iv)	Environmental Clearance	EC22B039HR137715 dated 11.06.2022	10.06.2032



	Revised Environmental Clearance	Not Submitted	
v)	Airport clearance height	PALM/NORTH/B/121321/640972 dated 21.12.2021	20.12.2029
vi)	Fire approval scheme	Applied on 27.07.2022	
	Revised Fire scheme approval	Not Submitted	
vii)	Service plan and estimate approval	LC-1994-Vol-III-JE(DS)-2022/29229 dated 28.09.2022.	
	Revised Service plan and estimate approval	Not Submitted	
17.	Fee Details		
	Registration Fee	Resi - 3,19,290.863 sqm *3.15*10= Rs. 1,00,57,662/- Comm- 507.617 sqm * 0.5* 20 = Rs 5076/- Total - Rs 1,00,62,738/-	
	Processing Fee	3,19,798.480 sqm *10= Rs. 31,97,985/-	
	Late Fee	N/A (As per the legal opinion of A.G Haryana)	
	Total Fee	Rs 1,32,60,723/-	
18.	DD amount	Rs 48,78,000/- Rs 83,50,000/-	
	DD no. and date	521069 dated 09.08.2022. 521578 dated 06.01.2023.	
	Name of the bank issuing	ICICI Bank, Gurugram	
	Online Transaction	0587069310 dated 23.01.2023 amounting Rs 10,000/- 302311100227 dated 23.01.2023 amounting Rs 25,000/-	
	Total Fee paid	Rs 1,32,63,000/-	
	Deficient amount	NIL	
19.	File Status	Date	
	File received on	29.08.2022	
	Deficiency conveyed on	07.09.2022	
	First hearing on	19.09.2022	
	Second hearing on	10.10.2022 (adjourned)	
	Third hearing on	17.10.2022	
	Fourth hearing on	14.11.2022	
	Fifth hearing on	28.11.2022	
	Sixth hearing on	12.12.2022	
	Seventh hearing on	26.12.2022	



	Eighth hearing on	09.01.2023
	Ninth hearing on	16.01.2023
	Tenth hearing on	23.01.2023
20.	<p>Case History: The Promoter M/s DLF Home Developers Limited who is a collaborator applied for the registration of real estate group housing colony namely "GH 63" located at Sector-63, Gurugram under section 4 of the Real Estate (Regulations and Development) Act, 2016 vide central receipt no. 18015/40143 dated 29.08.2022 and RPIN-498. The Temp I.D. of REP - I (Part A-H) is RERA -GRG-PROJ-1138-2022. The project area for registration is same as that of the licensed area i.e., 25.087 acres vide License no -123 of 2012 dated 20.12.2022. The application for registration was scrutinized and 1st deficiency notice vide notice no. HARERA/GGM/RPIN/498 dated 07.09.2022 was issued to the promoter with an opportunity of being heard on 19.09.2022.</p> <p>On 19.09.2022, Sh. J.S. Sindhu, Executive Engineer (Monitoring) and Ms. Asha (Chartered Accountant) briefed the facts of the case. Sh. Anish Dham (AVP) and Sh. Sidharth Gandhi (AVP) are 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. However, the AR has submitted a copy of circular issued by interim HRERA bearing Memo No. 1049, dated 15.09.2017 vide which a clarification has been issued to M/s NAREDCO Haryana that a promoter may register his license (unlaunched) projects any time in future before advertising, marketing or sale of the real estate project and seeks a liberty to file representation in this regard. The applicant promoter may submit the representation within 2 weeks and same shall be got examined by the Authority by taking a legal opinion from Addl. AG, Haryana. The matter to come up on 10.10.2022. The promoter submitted the reply on 16.09.2022 which was scrutinized and the remaining deficiencies were conveyed to the promoter. The promoter also submitted a reply on 07.10.2022 in which they have submitted a legal representation regarding the deficit fee.</p> <p>On 10.10.2022, The hearing was adjourned due to paucity of time. The matter was fixed for 17.10.2022.</p> <p>On 17.10.2022, Sh. Ashish Kush, Planning Executive briefed about the facts of the case. Sh. Anish Dham (AVP), Sh. Sidharth Gandhi (AVP) and Sh. Nishith Jain (Sr. Manager) are 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. During the hearing dated 19.09.2022 it was submitted that copy of circular issued by interim HRERA bearing Memo No. 1049, dated 15.09.2017 vide which a clarification has been issued to M/s NAREDCO Haryana that a promoter may register his license (unlaunched) projects any time in future before advertising, marketing or sale of the real estate project and seeks a liberty to file representation in this regard. The promoter has submitted the detailed representation in this regard which be sent to the A.G. Haryana for taking legal opinion. The matter was fixed for 14.11.2022. As per the directions of the Authority the representation of the Authority was sent to the A.G Haryana for the legal opinion. The legal opinion is yet to be receive in the Authority. Accordingly, the matter may be adjourned to 28.11.2022.</p> <p>On 14.11.2022, The legal opinion was yet to be received in the Authority. Accordingly, the matter was adjourned to 28.11.2022.</p>	

The promoter submitted a reply on 14.11.2022 which was scrutinized and the remaining deficiencies were conveyed to the promoter.

On 28.11.2022, The authorized representative of the promoter was advised to rectify the deficiencies and submit the deficit fee (if any) along with the deficit documents apart from filing information in REP-I A to H format and online detailed project information. Matter was fixed for 12.12.2022.

On 12.12.2022, the matter was adjourned and fixed for 26.12.2022.
The legal opinion is yet to be receive in the Authority.

On 26.12.2022 the AR of the promoter was directed to remove the deficiencies and the matter was adjourned to 09.01.2023.

On 04.01.2023, a legal opinion is received form A.G Haryana through email regarding the applicability of the late fee on the above said project.

As per the legal opinion received from A.G Haryana, the objection raised by the authority is not sustainable in view of the legal position summarized in para 25 because it is not possible to say that as on 01.05.2017, promoter was in a position to start development of project because the building plans were not prepared what to talk of sanctioned. Equally speaking, even without requisite permissions as provided in section 4(2) of Act of 2016, the authority was not in a position to grant registration. There arises no occasion to ask for late fees for late registration of the project because as on 01.05.2017, the project of promoter/ applicant could not have been categorised as “ongoing” because with only license for developing group housing colony without even a building plan, the applicant could not have start developing the proposed real estate project.

The promoter submitted a reply on 06.01.2023 which was scrutinized and it was found that the promoter requested to update the project name from “**GH63 to The Sixty Three**”. The promoter also stated that they have revised their scheme and submit the revised zoning plan and building plans approval committee has in-principally approved in its meeting dated 03.01.2023. The promoter also stated that they will submit the demand draft for additional registration fee on account of their revised scheme, as applicable.

It is also requested that authority may grant registration subject to three months for submission of revised approvals which are required after the revision of the building plans and shall the bank guarantees on account of the same.

On 09.01.2023, the matter was adjourned and fixed for 16.01.2023.

On 16.01.2023, the matter was adjourned and fixed for 23.01.2023.

The promoter submitted the reply on 19.01.2023 and 23.01.2023 which were scrutinized and the status of the documents are mentioned below.

After scrutiny of the reply, it was found that the building plans got revised vide memo no. ZP-1524/AD(RA)/2023/2097 dated 20.01.2023. As well the promoter submitted a DD of Rs 83,50,000/- vide no. 521578 dated 06.01.2023.

The promoter shall submit the **revised environment clearance, revised service plan and estimates and revised fire scheme approval as the building plans ae revised.**

As per the revised building plans the fee is calculated and mentioned above.

21.	Present compliance status as on 23.01.2023 of the deficiencies	1. Deficit Fee – Rs 1,24,88,833/- Status: As per legal opinion received dated 04.01.2023, the late fee of Rs 1,24,72,140/- is not applicable. However, Rs 16,693/-
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	<p>conveyed in the last hearing dated 16.01.2023. and after considering revised building plan.</p>	<p>is deficit. The promoter submitted a DD of Rs 83,50,000/- vide no. 521578 dated 06.01.2023. As per revised building plans the deficit Fee comes out to be Rs 32,723/- - Submitted vide ref. no. 0587069310 dated 23.01.2023 amounting Rs 10,000/- and vide ref. no 302311100227 dated 23.01.2023 amounting Rs 25,000/-</p> <ol style="list-style-type: none"> 2. The annexures in the online application are not uploaded as well as the correction needs to be done in the online (A-H) application. Status: Not Submitted. 3. Online DPI needs to be corrected. Status: Not Submitted. 4. Approval NOCs from the various agencies for connecting external services like roads needs to be submitted. Status: Not Submitted. 5. Revised Environment Clearance needs to be submitted. Status: Not Submitted. 6. Revised Service plan and estimates needs to be submitted. Status: Not Submitted. 7. Fire Scheme Approval - applied and copy of approval needs to be submitted. Status: Applied on 27.07.2022, receipt attached. 8. NOC for Forest Land diversion needs to be submitted. Status: Affidavit for non-applicability submitted. 9. NOC for Powerline shifting needs to be submitted. Status: Affidavit for non-applicability submitted. 10. Non-default certificate has not been provided. Status: Not Submitted. 11. Affidavit by the promoter, keeping in view the provisions of section 4(2)(I)(D) of the Real Estate (Regulation & Development) Act, 2016, needs to be submitted. Status: Not Submitted. 12. CA Certificate for expenditure incurred up to the date of registration needs to be submitted. Status: Not Submitted. 13. CA Certificate for financial & inventory details needs to be submitted. Status: Not Submitted.
22.	Remarks	<ol style="list-style-type: none"> 1. The annexures in the online application are not uploaded as well as the correction needs to be done in the online (A-H) application. 2. Online DPI needs to be corrected. 3. Approval NOCs from the various agencies for connecting external services like roads needs to be submitted. 4. Revised Environment Clearance needs to be submitted- The promoter has submitted a BG vide no 0007NDL0100135423 dated 20.01.2023 amounting Rs 25 lakhs as a security amount to submit the approval within



		<p>6 months from the date of issuance of registration certificate.</p> <ol style="list-style-type: none">5. Revised Service plan and estimates needs to be submitted- The promoter has submitted a BG vide no 0007NDL0100135623 dated 20.01.2023 amounting Rs 25 lakhs as a security amount to submit the approval within 6 months from the date of issuance of registration certificate.6. Fire Scheme Approval - applied and copy of approval needs to be submitted - The promoter has submitted a BG vide no 0007NDL0100135723 dated 20.01.2023 amounting Rs 25 lakhs as a security amount to submit the approval within 6 months from the date of issuance of registration certificate.7. Non-default certificate has not been provided.8. Affidavit by the promoter, keeping in view the provisions of section 4(2)(1)(D) of the Real Estate (Regulation & Development) Act, 2016, needs to be submitted.9. CA Certificate for expenditure incurred up to the date of registration needs to be submitted.10. CA Certificate for financial & inventory details needs to be submitted.
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Recommendations: The application submitted by the promoter for registration of real estate project under section 4 of the Act of 2016 as per details given above is complete and all the requisite documents as required u/s 4 of Act of 2016 and Haryana Rules, 2017 have been submitted and found to be in order except the corrections in online DPI, corrections in online (A-H) form, Revised Environment Clearance, Revised Fire Scheme approval and Revised service plan & estimates and other mentioned above.

So far, as the late fee is concerned, the matter was referred to the Advocate General Haryana for opinion. The legal opinion has now been received from Advocate General, Haryana vide email dated 04.01.2023 and hard copy (Signed) received on 06.01.2023, it has been opined as under:

"As per legal opinion it is submitted, that as on 01.05.2017 the applicant was only having the license under 1975 Act and even the building plans of the project were not prepared. These were got prepared and submitted for approval on 29.11.2021 which were approved by the DTCP on 28.04.2022. Thereafter, other clearances such as environment clearance, service plan & estimates, height clearance were taken in 2022 itself. Subsequently, the applicant applied for registration of the project by submitting an application u/s 4 of the Act of 2016 for grant of registration of the proposed Real Estate Project, however an objection was raised by the authority pointing out that there is deficiency in the fees deposited by the applicant and it is liable to pay late fees because the project of the applicant was an "ongoing project" as on 01.05.2017."

"In the opinion of undersigned, the objection raised by the authority is not sustainable in view of the legal position summarized in para 25 because it is not possible to say that as on 01.05.2017, promoter was in a position to start development of project because the building plans were not prepared what to talk of sanctioned. Equally speaking even without requisite permissions as provided in section 4(2) of Act of 2016, the authority was not in a position to grant



registration. There arises no occasion to ask for late fees for late registration of the project because as on 01.05.2017, the project of promoter/applicant could not have been categorized as "ongoing" because with only license for developing group housing colony without even a building plan, the applicant could not have start developing the proposed real estate project. "

The promoter submitted the bank guarantee vide no. **0007NDL0100135423** dated **20.01.2023**, **0007NDL0100135623** dated **20.01.2023**, **0007NDL0100135723** dated **20.01.2023** amounting Rs 25 lakhs each for submission of revised environment clearance, revised service plan & estimate and fire scheme approval within 6 months from the date of issuance of registration certificate.

It is recommended that the Authority may consider the grant of registration subject to the submission of above.


Ashra
Chartered Accountant


Sumet
Planning Coordinator


Ashish Kush
Planning Executive

Day and Date of hearing	Monday and 23.01.2023
Proceeding recorded by	Ram Niwas

PROCEEDINGS OF THE DAY

Proceedings dated: 23.01.2023.


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


Sh. Anish Dham (A.V.P), Sh. Siddharth Gandhi, Sh. Nishith Jain and Sh. Abhinav Sarwan are present on behalf of the promoter.


As per the legal opinion received from Ld. Advocate General, Haryana the late fees for registration of project has not been charged. However, in case any liability/demand on this account occurs in future, the applicant promoter shall be liable to pay the same on demand.

Approved as proposed.


(Sanjeev Kumar Arora)
Member, HARERA, Gurugram


(Ashok Sangwan)
Member, HARERA, Gurugram


(Vijay Kumar Goyal)
Member, HARERA, Gurugram


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

