

Project hearing brief

SN	Particulars	Details	
1.	Name of the project	Westerlies Phase 2	
2.	Name of the promotor	M/s Experion Developers Pvt Ltd	
3.	Nature of the project	Plotted Colony	
4.	Location of the project	Sector 108, Gurugram	
5.	Legal capacity	Collaborator	
6.	Name of the license holder	Experion Realty Pvt Ltd, Experion Real Estate Developers Pvt Ltd, Moksha Buildtech Pvt Ltd and 8 others	
7.	Name of the Collaborator	M/s Experion Developers Pvt Ltd	
8.	Status of project	Ongoing	
9.	Whether registration applied for whole/ phase	Phases	
10.	Online application ID	RERA-GRG-PROJ-795-2021	
11.	License no.	57 of 2013 dated 11.07.2013	Valid upto 10.07.2024
12.	Total licensed area	100.48125 Acres	Area to be registered 44.178 Acres
13.	Statutory approvals either applied for or obtained prior to registration		
	i)	License Approval	Date of approval
			57 of 2013 dated 11.07.2013
	ii)	Zoning Plan Approval	28.10.2015
	iii)	Layout plan Approval	11.07.2013
	iv)	Environmental Clearance	NA
	v)	Fire scheme approval	NA
	vi)	Service plan and estimate approval	26.02.2014
14.	File Status	Date	
	Project received on	05.03.2021	
	1 st deficiency notice sent on	12.03.2021	
	1 st hearing on	30.03.2021	
	2 nd hearing on	26.04.2021	
	Reply submitted on	26.04.2021	
	3 rd hearing on	03.05.2021	
	Reply submitted on	23.06.2021	
	4 th hearing on	01.07.2021	
15.	Present stage of completion for ongoing projects (%)	Ongoing	

16.	(sold units - in case of ongoing/ unsold units)	172 plots (40 NPPL plots, 11 EWS plots)
17.	Detail of encumbrances	Non encumbrance certificate submitted.
18.	Project Summary	
<p>The promoter had applied for registration of residential builder floors in the project named "Zephyr At The Westerlies" located in Sector-108, Gurugram on 03.01.2020 vide online application ID RERA-GRG-PROJ-483-2019. Further, it has come to notice of the authority that License no. 57 of 2013 dated 11.07.2013 valid upto 10.07.2024 on an area admeasuring 100.48125 acres was issued in favor of Experion Realty Pvt Ltd, Experion Real Estate Developers Pvt Ltd, Moksha Buildtech Pvt Ltd and 8 others in collaboration with M/s Experion Developers Pvt Ltd.</p> <p>Total licensed area is divided into 3 phases which is as follows:</p> <ol style="list-style-type: none"> 1. Phase 1 area admeasuring 46.257 acres and part completion certificate obtained on 31.07.2017. 2. Phase 2 area admeasuring 44.178 acres and part completion certificate obtained on 22.03.2018. 3. Phase 3 area admeasuring 10.4625 acres and registration certificate obtained vide RC no. 67 of 2019. <p>Accordingly, a show cause notice no. RERA-GRG-4130-2020 dated 11.11.2020 was issued to the promoter for non-registering of 90.435 acres out of the total project area i.e., 100.48125 acres. Thereafter, in the personal hearing dated 23.12.2020 of the aforesaid matter, the promoter made submissions that all the services for phase 1 & phase 2 were completed by the promoter before 27.07.2017 whereas the part completion for an area admeasuring 46.257 acres was obtained on 31.07.2017 and part completion for an area measuring 44.178 acres was obtained on 22.03.2018. Hence, after considering all facts claimed by the promoter the Hon'ble authority in hearing dated 23.12.2020 directed the promoter to file the application for registration of the area that has obtained part completion certificate on 22.03.2018 in the authority within thirty working days.</p> <p>Therefore, as per the direction in the hearing dated 23.12.2020 the promoter had filed an application regarding registration of plotted colony project namely "Westerlies Phase 2" situated at sector 108, Gurugram being developed by M/s Experion Developers Pvt Ltd was submitted on 05.03.2021 under section 4 of Real Estate (Regulation and Development), Act 2016.</p> <p>After the scrutiny of the application, deficiencies were noticed, which were conveyed to the promoter vide notice no. HARERA/GGM/RPIN/308 dated 12.03.2021 with directions to remove the deficiencies latest by 25.03.2021 failing which their application may be rejected following the due procedure as provided under section-5 of the Real Estate Regulation and development) Act 2016 and Rule-5 of the Haryana Real Estate (Regulation and Development) Rules, 2017. Also, an opportunity of hearing was given on 30.03.2021. In reference to the notice dated 12.03.2021, the promoter had not submitted the reply of deficiencies and requested for extension of time for the submission of the deficit documents. Also, in the hearing it was found that out of total license area of 100.48 acres, the part completion certificate for 46.257 acres was obtained on 31.07.2017 which was two days after coming into operation of the HARERA Rules, 2017 and hence a view was taken in the Authority to not insist on registration of this phase with a condition that the developer get registered the entire remaining area of the colony. The developer has now applied for registration of 44.178 acres of land, but it was noted that as per latest orders of the Hon'ble High Court in case of appeal no 52 of 2018, the developer is required to seek registration for the entire project and hence the promoter was advised to apply for the same accordingly. Matter was fixed for 26.04.2021.</p> <p>On 26.04.2021, the promoter has submitted some documents and reply to the deficiencies at the time of hearing. Office decided to examine the reply and submit before the Authority before next date of</p>		

hearing on 03.05.2021. The reply was scrutinized by the authority and found that there were few deficiencies which is still not fulfilled by the promoter. These deficiencies are conveyed to the promoter vide email dated 28.05.2021. On 03.05.2021, due to Covid-19 pandemic, authority meeting could not be held. Now, the authority has decided to fix the matter on 01.07.2021. The promoter again submitted the reply on 23.06.2021 which was scrutinized, and remaining deficiencies are conveyed to the promoter 01.07.2021. On hearing dated 01.07.2021, the promoter was also advised to reply to show cause as why penal proceedings for non-registration shall not be initiated. Matter was discussed at length and promoter was advised to apply the whole project as one single unit giving information of the parts for which CC has been obtained including the additional licensed area. Regarding late fee, the promoter was advised to give a representation and meanwhile processing fee and registration fee be deposited. Necessary online information be submitted at <https://hrera.in/app1/signup>. The matter decided to come up on 27.07.2021. As on today, the promoter has not submitted the reply of the remaining deficiencies neither submitted any representation and reply of show cause notice as why penal proceedings for non-registration shall not be initiated.

19. Deficit documents which are still pending are as follows:

1. Online corrections in REP-I (Part A-H) needs to be done.
Status: not done.
2. Corrections in detailed project information needs to be done.
Status: correction not done in the DPI.
3. Deficit fee of Rs. 44,69,555/- needs to be submitted.
Status: not paid

Part-B-Statutory Approvals

4. Copy of subsequent license approvals needs to be submitted.
Status: not submitted
5. Revised project report needs to be submitted which included all the sale proceeds till date, financial resources, cost of construction etc.
Status: figures in the project report needs to be clarified and not matching with the DPI.
6. Copy of affidavit for tree cutting NOC, power line shifting, and forest land diversion not submitted.
Status: affidavit for forest land diversion not submitted.
7. Copy of approved natural conservation zone NOC not submitted.
Status: not submitted
8. Details of sold unsold inventory plot wise needs to be submitted.
Status: needs to be revised.
9. Information to revenue department about the fact that project land licensed and bonded for setting up of a colony not informed to the revenue department for entry in the record of ownership.
Status: application applied on 15.12.2020 but report from DRO not submitted.

Part-E-Project Cost/sale Proceeds

10. Non encumbrance certificate needs to be provided based on latest Jamabandi.
Status: not submitted
11. Cost of land needs to be clarified as per the area of registration and separate annexure needs to be provided showing the allocation of cost of land.
Status: not clarified.
12. CA Certificate for the promoter equity needs to be provided.
Status: not submitted.

Part- J Additional details in case of ongoing project

13. CA Certificate for financial and inventory details in case of ongoing project needs to be provided.
Status: needs to be revised.

Allottee related draft documents

14. Builder buyer agreement as per prescribed format needs to be submitted. Copy of BBA executed with the existing allottees needs to be submitted.
Status: not submitted
15. Allotment letter, conveyance deed, application form, payment plan and payment receipt need to be submitted.
Status: not submitted in the prescribed formats.

Various plans to be annexed.

16. Copy of superimposed demarcation plan on approved site plan on A1 sheet not submitted.
Status: needs to be revised.
17. REP-II needs to be revised.
Status: needs to be revised.
18. PERT Chart not submitted.
Status: needs to be revised.
19. Brochure of "Westerlies Phase 2" needs to be submitted.
Status: brochure used for marketing not submitted. Brochure for phase 2 not submitted.
20. Copy of documents submitted at the time of obtaining part completion certificate.
Status: documents not submitted as per checklist
21. Copy of all the deed of declaration after obtaining the completion certificate.
Status: not submitted

Day and Date of hearing Tuesday and 27.07.2021

Proceeding recorded by Ram Niwas

PROCEEDINGS OF THE DAY (27.07.2021)

Proceedings dated: 27.07.2021

Ms. Jyoti Yadav, Coordinator, Planning Branch briefed the facts about the project.

None present on behalf of the promoter and nor any reply on account of non-registration notice dated 11.11.2020 has been given. One last opportunity be given to the promoter failing which necessary legal penal action will be initiated.


The matter to come up on 17.08.2021


Sh. Samir Kumar

Member, HARERA, Gurugram


Sh. Vijay Kumar Goel

Member, HARERA, Gurugram


Dr. Krishana Kumar Khandelwal

Chairman, HARERA, Gurugram