

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	Validity upto
		57 of 2013 dated 11.07.2013	10.07.2024
	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
	5 th hearing	27.07.2021
	6 th hearing	17.08.2021
	7 th hearing on	07.09.2021
	Reply submitted on	07.09.2021
	8 th hearing on	21.09.2021
	Reply submitted on	27.09.2021
	9 th hearing on	27.09.2021
	10 th hearing on	11.10.2021
	11 th hearing on	26.10.2021 (adjourned)
	12 th hearing on	27.10.2021
	Reply submitted on	27.10.2021
	13 th hearing on	15.11.2021
	Show cause notice sent on	15.11.2021
	14 th hearing on	20.12.2021
	15 th hearing on	27.12.2021
	16 th hearing on	17.01.2022
	17 th hearing on	31.01.2022
	18 th hearing on	14.03.2022
	19 th hearing on	28.03.2022
	Reply submitted on	28.03.2022
	20 th hearing on	31.03.2022
	21 st hearing on	02.04.2022
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

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.

Total licensed area is divided into 3 phases which is as follows:

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.

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.

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.

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.

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 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.

On 27.07.2021, none present on behalf of the promoter and nor any reply on account of non-registration notice dated 11.11.2020 was submitted by the promoter. One last opportunity was given to the promoter failing which necessary legal penal action will be initiated. Matter decided to come up on 17.08.2021.

On 17.08.2021, the AR of the promoter assured that necessary registration formalities shall be completed within 15 days. Authority decided to link penal proceedings already initiated against the promoter with the registration so that decision is taken jointly. Matter decided to come up on 07.09.2021.

On 07.09.2021, the AR for promoter submits that the application for registration of land under phase-I measuring 46.257 acres was being prepared by filling online DPI and will be completed in next one week. Further the deficiencies conveyed for phase-II measuring 44.178 acres has been rectified and a detailed reply was submitted in the Authority on 07.09.2021 and was to be examined. The matter got adjourned to 21.09.2021.

On 07.09.2021, the reply submitted by the promoter was scrutinized and remaining deficiencies were conveyed to the promoter which are still pending.

On 21.09.2021, the promoter has not submitted the reply of the deficiencies. The AR seeks time to rectify the deficiencies in all respect. The matter was adjourned to 27.09.2021.

On 27.09.2021, the promoter had submitted the reply in the hearing itself which needs to be examined. Matter decided to come up on 11.10.2021.

The reply submitted by the promoter was scrutinized and remaining deficiencies were conveyed to the promoter vide email dated 08.10.2021.

On 11.10.2021, the deficiencies have still not been attended by the promoter. The promoter was directed to submit the deficit documents along with online detailed project information. The matter decided to come up on 26.10.2021.

On 26.10.2021, matter adjourned for 27.10.2021.

On 27.10.2021, the promoter is directed to submit the deficit documents along with hardcopy of online detailed project information. The matter to come up on 15.11.2021.

On 15.11.2021, no one appeared on behalf of the promoter. Deficiencies have already been communicated. Despite various opportunity needful has not been done. A penalty of Rs. Ten lac is imposed for noncompliance of the orders of the authority. A show cause notice be issued to the promoter as why application for registration shall not be rejected for want of information. Matter to come up on 20.12.2021.

Accordingly show cause notice was sent to the promoter on 15.11.2021 as why application for registration shall not be rejected for want of information.

On 20.12.2021, a show cause notice was sent to the promoter on 15.11.2021 as why application for registration of real estate project shall not be rejected under section 5(b) of Real Estate (Regulation and Development) Act, 2016 and Rules 5(2) of Haryana Real Estate (Regulation and Development) Rules, 2017. The promoter has submitted the online DPI, which was scrutinized, and corrections are conveyed to the promoter. The promoter is directed to submit the corrected copy of online DPI along with other deficit documents. Matter to come up on 27.12.2021.

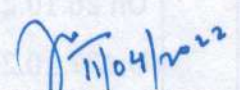
On 27.12.2021, matter adjourned for 17.01.2022.

On 17.01.2022, matter adjourned for 31.01.2022.

On 31.01.2022, the promoter was directed to submit the deficit documents along with corrected online DPI and REP-I (Part A-H). Matter adjourned for 14.03.2022.

On 14.03.2022, none is present on behalf of the promoter. The application for registration was received on 05.03.2021 and despite conveying deficiencies/observations and hearing on multiple occasions, the promoter is not coming forward for their rectification and submission of complete information and hence one last opportunity is being granted for removal of all deficiencies failing which the application for registration shall be considered for rejection. Matter decided to come up on 28.03.2022.

On 28.03.2022, the matter was adjourned to 31.03.2022.

<p>The promoter submitted the reply on 28.03.2022 which was scrutinized, and remaining deficiencies have been conveyed to the promoter.</p> <p>On 31.03.2022, the matter was adjourned to 02.04.2022.</p> <p>On 02.04.2022, the AR of the promoter was directed to attend the deficiencies before the next date of hearing. The matter was adjourned to 11.04.2022.</p>	
<p>19. Deficit documents which are still pending are as follows:</p> <p>1. Online corrections in REP-I (Part A-H) needs to be done. Status: Not done.</p> <p>2. Corrections in detailed project information needs to be done. Status: Correction not done in the DPI.</p> <p style="text-align: right;"> Planning Coordinator</p>	
Day and Date of hearing	Monday and 11.04.2022
Proceeding recorded by	Ram Niwas
PROCEEDINGS OF THE DAY (11.04.2022)	
<p>Proceedings dated: 11.04.2022</p> <p>Ms. Jyoti Yadav, Planning Coordinator briefed about the facts of the project.</p> <p>Sh. Suneet Puri (Director) and Sh. Utkarsh Suyog (AM-Projects) are resent on behalf of the promoter.</p> <p>The promoter has submitted all the deficit documents except corrections in online REP-I (A-H) and corrections in online detailed project information.</p> <p>The promoter has obtained the part completion certificate on 22.03.2018 for the area applied for registration i.e., 44.178 acres. Therefore, the authority decided to grant registration subject to submission of corrected copy of REP-I (A-H) and DPI within one week.</p>	

V.I - 3

Vijay Kumar Goyal
Member, HARERA, Gurugram



Dr. Krishana Kumar Khandelwal
Chairman, HARERA, Gurugram