

Project hearing brief

SN	Particulars	Details
1.	Name of the project	Brahma City
2.	Name of the promotor	M/s Brahma City Pvt Ltd
3.	Nature of the project	Plotted colony
4.	Location of the project	Sector 60, 62, 63 & 65, Gurugram
5.	Legal capacity	Collaborator
6.	Name of the license holder	Tejpal, Dal Chand, Chiman Lal and others
7.	Name of the collaborator	M/s Brahma City Pvt Ltd
8.	Status of project	Ongoing
9.	Whether registration applied for whole/phase	Phase
10.	Online application ID	RERA-GRC-PROJ-867-2021
11.	License no.	64 of 2010 dated 21.08.2010
12.	Total licensed area	141.668 Acres
		Area to be registered
		48.00 Acres (Revised area applied for registration 53.61 acres)
13.	Statutory approvals either applied for or obtained prior to registration	
	i) License Approval	Date of approval 64 of 2010 dated 21.08.2010 Validity upto 21.08.2018
	ii) Zoning Plan Approval	07.07.2017
	iii) Layout plan Approval	07.07.2017
	iv) Environmental Clearance	03.09.2014
	v) Service plan and estimate approval	Applied
14.	File Status	Date
	Project received on	26.05.2021
	1 st deficiency notice sent on	28.05.2021
	Reply submitted on	07.06.2021
	Hearing on	07.06.2021 (adjourned)
	Hearing on	08.06.2021
	Reply submitted on	01.07.2021
	Hearing on	06.07.2021 (adjourned)

ii. For the commercial plots to be developed in the project, the ration of distribution between the parties of the total commercial portion developed in the project being 74 (for Brahma City Pvt. Ltd.): 26 (Krish Realtech Pvt. Ltd.)

Vide addendum to settlement agreement dated 06.08.2012, clause 2, DTCP Haryana has granted a license to develop the project named "Brahma City" in respect of land in sector 60, 61, 62, 63, 64, 65, Gurugram bearing license no. 64 of 2010 dated 21.08.2010. The direction of Hon'ble Punjab and Haryana High Court vide order dated 05.02.2015 in the CWP No. 27665 of 2013 directing DTCP to issue the license to BCPL and DTCP after considering the fresh application and scrutiny of land parcel vide memo no. LC-2365-PA-(SN)2015/20259 dated 02.12.2015 agreed for restoration of license for land measuring 141.781 acres with effect from the deposit of 25% of the total outstanding EDC amounting to ₹ 47.77 crores on terms and conditions as stipulated in the order dated 08.05.2015 and subsequent memo dated 02.12.2015. In terms of memo dated 02.12.2015, ₹ 44.77 crores on account of 25% of the total outstanding EDC as on 22.09.2015 have to be deposited before restoration of license with an undertaking to clear the balance outstanding dues on account of EDC in three half yearly installment payable after restoration of license along with interest.

Accordingly, the license got renewed upto 20.08.2018 vide memo no. LC-2365 Vol-IV-JE(MS)-2016/24044 dated 02.11.2016 and applied for renewal on 13.07.2018.

The promoter has applied for approval of service estimates and plans and same are approved from Chief Engineer-I to DTCP, Haryana on 05.10.2018.

The promoter has not obtained completion/part completion for this residential plotted colony till date. There is total 13 blocks in the project (Block A to M) out of which eleven blocks are registered in the authority which are as follows:

1. Brahma City K- Block vide RC No. 268 of 2017 dated 09.10.2017 valid upto 30.06.2019 (area admeasuring 8.57 acres)
2. Brahma City M- Block vide RC No. 274 of 2017 dated 09.10.2017 valid upto 30.06.2019 (area admeasuring 8.57 acres)
3. Brahma City J- Block vide RC No. 277 of 2017 dated 09.10.2017 valid upto 31.03.2022 (area admeasuring 6.96 acres)
4. Inspire vide RC No. 327 of 2017 dated 23.10.2017 valid upto 31.03.2022 (area admeasuring 2.00 acres)
5. Krish World by Krish Realtech Pvt Ltd vide RC No. 65 of 2019 dated 22.10.2019 valid upto 24.12.2022 (area admeasuring 59.93 acres) (Block A to H)

Therefore, area admeasuring 86.03 acres is registered out of the total licensed area i.e., 141.67 acres and 55.64 acres is unregistered, but the promoter has applied for registration of only 48.00 acres.

Also, M/s Brahma City Pvt Ltd had sold plots to M/s Adani Brahma Synergy Pvt Ltd and M/s Achaleswar Infrastructure Pvt Ltd through various conveyance deeds.

M/s Adani Brahma Synergy Pvt Ltd got registered these plots in the authority in different phases which are as follows:

1. Samsara Part I vide RC No. 207 of 2017 dated 15.09.2017 (area admeasuring 2.42

acres).

2. Samsara Part 3 vide RC No. 357 of 2017 dated 17.11.2017 (area admeasuring 2.52

acres).

3. Samsara Part V vide RC No. 13 of 2019 dated 26.03.2019 (Residential floors) (area

admeasuring 3.025 acres)

M/s Achaleshwar Infrastructure Pvt Ltd got registered two phases which are as follows:

4. Samsara Part II vide RC No. 197 of 2017 dated 15.09.2017 (area admeasuring 0.75

acres).

5. Samsara Part 4 (Phase 1 to 3) vide RC No. 37 of 2018 dated 19.12.2018 (area

admeasuring 0.76 acres).

The promoter has sold plots of the unregistered area to M/s Adani Brahma Synergy Pvt Ltd.

Therefore, two show cause notices vide no. RERA-GRG-2273-2021 and RERA-GRG-2273-2021 were issued to the promoter for violation of provisions of section 3

of the Real Estate (Regulation and Development) Act, 2016.

The promoter has submitted the reply on 25.06.2021 against both show cause notices vide no.

RERA-GRG-2273-2021 and RERA-GRG-2273-2021/1 dated 21.05.2021 stating that the

settlement agreement dated 06.08.2012 and addendum dated 31.10.2017, the rights and

obligations of BCPL on one part and Krishi group entities including KRPL on the other part

have been crystallized. The promoter has registered the project in phases and the application

of registration of balance area was also applied before the authority on 20.08.2018 along with

the registration fee wherein some deficiencies were sought by the authority on 19.09.2018 and

18.12.2018 and the main deficiency was that the license renewal application preferred by the

promoter for consideration before DTCP, Haryana was pending. Therefore, the authority

rejected the application seeking RERA registration.

Further, the promoter has applied for registration again on 26.05.2021 for common

registration of balance area admeasuring 48.00 acres including 87 plots (i.e., J56-J74, J76-J112,

J116-J139, J141-J143, J145-J146, J149-J150 of block J). the promoter has also stated that the

reason for not applying for registration of balance area was solely on account of the previous

rejections of the registration applications by the authority beyond their control.

Further, the promoter stated that the conveyance deed dated 08.10.201/ were extended in

favor of M/s Adani Brahma Synergy Pvt Ltd for the purpose of redevelopment and /or sale to

the end users, after obtaining RERA registration. After the scrutiny of the application applied

for registration on 26.05.2021, deficiencies were noticed, which were conveyed to the

promoter vide notice no. HARERA/GM/RPIN/334 dated 25.05.2021 with directions to

remove the deficiencies latest by 05.06.2021 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 07.06.2021.

In reference to the notice dated 26.05.2021, the promoter has submitted the reply of on

07.06.2021 which was scrutinized by the authority and found that still major deficiencies are

not fulfilled by the promoter. These deficiencies are conveyed to the promoter vide email dated 17.06.2021.

On 07.06.2021, matter adjourned for 08.06.2021.

On 08.06.2021, the promoter was asked to remove the deficiencies and submit the reply. Next date of hearing was fixed for 06.07.2021. The promoter again submitted the reply on 01.07.2021, which was scrutinized and found that the major deficiencies were still not fulfilled by the promoter which are mentioned below in point 21. These deficiencies are conveyed to the promoter vide email dated 06.07.2021.

On hearing dated 06.07.2021, matter adjourned for 07.07.2021.

On hearing dated 07.07.2021, no one is present on behalf of the promoter. An e-mail request has been received for adjournment in the matter due to some unavoidable urgent prior commitments of the promoter. Matter decided to come up on 27.07.2021. The promoter was also advised to rectify the deficiencies and submit deficit documents.

On 27.07.2021, the project could not be discussed in detail as the basic premises to register is validity of the license. As informed by the promoter, they had applied for renewal and is pending with DTCP. When specifically asked whether EDC dues have been cleared, the AR and LR informed that the concerned person was not available on the day of hearing and the position regarding non-renewal of the license will be explained in the next meeting where the project details will be discussed. Further the AR was asked to submit the bank account details wherein 70% amount received in lieu of sale of plots is to be deposited for development works along with details of total sold/unsold plots. The matter decided to come up on 02.08.2021.

On 02.08.2021, matter was discussed in length and following observations were made which are as follows:

1. There is a variation in the area to be registered for which a detailed explanation was given by the LR along with a data sheet. The LR was requested to give supporting documents along with parts of the project already registered and remaining part of the project to be registered.

2. The promoter was asked to fill up online DPI within 10 days. In case prerequisites are not met with the Authority shall be constrained to issue a press advertisement causing public not to indulge in the sale purchase of this project.

3. The promoter was asked to submit an affidavit regarding details of bank account where the amount received after selling 87 plots to M/s Adani Brahma Synergy Pvt. Ltd. has been kept.

4. The promoter was also asked to give an affidavit that withdrawals, if any, have been as per provisions of the Act.

5. The promoter was directed not to make any further sale in the part of the project under registration vide Temp ID RERA GRG 867/2021 of any plot or flat till completion of the registration process of unregistered part of the project.

<p>6. Further details of EDC dues to be paid to the T&CP Department be submitted and all dues till date be cleared and details of payments of EDC further to be made to the department be submitted.</p> <p>7. Site inspection be done by the Engineering Executive regarding status of development works in this part of the project and also for other parts which are registered separately duly marked on a copy of lay out plan.</p> <p>The matter was fixed for 16.08.2021.</p> <p>On 16.08.2021, matter adjourned for 23.08.2021.</p> <p>On 23.08.2021, the promoter has made submissions that he has applied for the registration and the file is under process. In the last hearing dated 02.08.202, the promoter was directed to submit an affidavit regarding details of the bank account where the amount received after selling of 87 plots to M/s Adani Brahma Synergy Pvt. Ltd. has kept and details of the EDC dues to be paid to DTCP, Haryana be submitted whereas the promoter had not submitted the same in the authority. The promoter was directed to submit the above information till the next date of hearing meanwhile site inspection be done by the engineering executives of the authority regarding status of the development works in the project and place the report on the record in the next date of hearing. Hence the matter was adjourned to 13.09.2021 at 02:00 PM for personal hearing.</p> <p>On 13.09.2021, the promoter had made submissions that the promoter has applied for the registration and the file is under process. Further the promoter was directed to submit the plan demarcating their area till the next date of hearing. Hence the matter was adjourned to 18.10.2021.</p> <p>On 18.10.2021, the promoter has filed application for registration which is under examination. After decision is taken about registration of the project and all necessary details are filed in the registry, the issue regarding penal proceedings for non-registration of the project will be finalized. The matter to come up after fifteen days. The matter was adjourned to 02.11.2021.</p> <p>On 02.11.2021, matter adjourned for 09.11.2021.</p> <p>On 09.11.2021, the details submitted by the promoter in online DPI are not matching with the details of license. The case is to be examined. Matter to come up on 23.11.2021.</p>	<p>20. The promoter submitted the reply on 09.11.2021 which was scrutinized and the status of document submitted by the promoter are as follows:</p> <p>Deficit documents which are still pending are as follows:</p> <p>Major Deficiencies/Observations</p> <p>1. Online corrections in RFP-I (Part A-H) needs to be done. Status: corrections not done.</p> <p>2. Corrections in detailed project information needs to be done. Status: revised DPI submitted but still all the corrections are not done by the promoter.</p>
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3. The promoter has applied for the registration of 48.00 acres of land but as per the non-registration notice sent to the promoter vide SCN No. RERA-GRG-2273-2021 dated 21.05.2021, unregistered area is 55.63 acres which needs to be clarified. Status: area calculation sheet submitted but area needs to be clarified from the promoter's side.

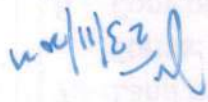
Part-B-Statutory Approvals

4. Copy of renewal of license no. 64 of 2010 valid upto 20.08.2010 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: not submitted
6. Deficit fee of ₹96,96,010/- not paid. In the hearing on 08.06.2021, the deficit fees come out to be ₹1,02,62,841/- which needs to be paid because if the excess fee was by the promoter, then he can request for the refund of the same. Status: submitted as per the previous area.
7. Land title search report not submitted. Status: LTRS not submitted for the whole unregistered area.
8. Copy of approved service estimates and plans along with sanction letter not submitted. Status: applied on 29.09.2017 and on 05.07.2018, letter sent from Chief Engineer-I, HSVP, Panchkula to DTCP, Haryana for approval. Final approval still awaited.
9. Environment clearance dated 03.09.2014 was approved for 147.282 acres. Revised EC as per the revised land schedule i.e., 141.668 acres needs to be submitted. Status: not submitted
10. Copy of tree cutting permission from DFO not submitted. Status: tree cutting permission for 15.1125 acres submitted. NOC for remaining area not submitted.
11. Approvals for water supply, sewage disposal, storm water drainage from competent authority needs to be submitted. Status: not submitted.
12. Details of sold unsold inventory for plots and shops needs to be submitted. Status: date of booking, average rate not provided in the list. Details of NPNL plots not provided.

Part-H-Separate bank account details

13. Affidavit of promoter regarding arrangement with the financial institution to abide by the provision of RERA not submitted. Status: not submitted.
14. Bank undertaking not submitted. Status: not submitted.
15. Board resolution duly acknowledged by bank for operation of bank account not submitted. Status: not submitted.

Part-J Additional details in case of ongoing project

16. CA Certificate for financial and inventory details in case of ongoing project needs to be provided.	
Status: needs to be revised	
Folder D	
Allottee related draft documents	
17. Application form, allotment letter, BBA, conveyance deed, payment plan and payment receipt of the existing allottees not submitted.	Status: not submitted
18. Copy of draft application form, allotment letter, conveyance deed, builder buyer agreement, payment plan and payment receipt not submitted.	Status: not submitted in prescribed format.
19. REP-II needs to be revised.	Status: needs to be revised.
20. PERT Chart not submitted.	Status: not submitted
<p style="text-align: right;">  23/11/2021 Planning Coordinator </p>	
Day and Date of hearing	Tuesday and 23.11.2021
Proceeding recorded by	Ram Niwas
PROCEEDINGS OF THE DAY	
The authority decided to adjourn the matter. Next date of hearing will be 20.12.2021.	