

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-GRG-PROJ-867-2021	
11.	License no.	64 of 2010 dated 21.08.2010	
12.	Total licensed area	141.668 Acres	Area to be registered 53.58 Acres (Earlier area applied for registration was 48.00 acres)
13.	Project completion date as declared u/s 4(2)(l)(c)	31.12.2025	
14.	QPR Compliance (If applicable)	277 of 2017: Brahma City J- Block, December 2018 to June 2022 268 of 2017: Brahma City k- Block, December 2018 to June 2022 274 of 2017: Brahma City M- Block, March 2019 to June 2022 327 of 2017: Inspire December 2018 to June 2022	
15.	4(2)(l)(D) Compliance (If applicable)	N/A	
16.	Statutory approvals either applied for or obtained prior to registration		
	i) License Approval	Date of approval	Validity upto
		64 of 2010 dated 21.08.2010	20.08.2025
	ii) Zoning Plan Approval	07.07.2017	
	iii) Layout plan Approval	07.07.2017	-
	iv) Environmental Clearance	03.09.2014	03.03.2025
	v) Service plan and estimate approval	LC-2365(Loose)/PA(VA)/2022/28955 Dated-22.09.2022	
17.	File Status	Date	
	Project received on	26.05.2021	



	<p>Status: Submitted but the line is written in it " without any risk and responsibility on part of the bank or any on its signing Authority.</p> <p>11. Board resolution duly acknowledged by bank for operation of bank account not submitted. Status: Board resolution of RERA/ Escrow and collection have been submitted</p> <p>12. CA Certificate for financial and inventory details in case of ongoing project needs to be provided. Status: Submitted</p> <p>13. Application form, allotment letter, BBA, conveyance deed, payment plan and payment receipt of the existing allottees. Status: Submitted.</p> <p>14. Copy of draft application form, allotment letter, conveyance deed, builder buyer agreement, payment plan and payment receipt. Status: All the units have been sold out and conveyance deed has been already executed there is no legal related documents needed. Needs to submit revised Allotment letter, BBA needs to be revised not in format.</p> <p>15. REP-II needs to be revised. Status: Submitted</p> <p>16. The promoter has given a false undertaking stating that the balance receivables of Rs. 1,148,400,839 will be deposited in RERA designated Indusind bank account no. 252525002550 while as per DPI part A-H the RERA account mentioned by the promoter is 251303200802.</p> <p>17. Facts- As per the undertaking given by the promoter the company has received funds against sale consider in different bank accounts which has no link with the master account and RERA account.</p>
<p>21. Deficit Documents</p>	<p>1. Online corrections in REP-I (Part A-H) needs to be done.</p> <p>2. Corrections in detailed project information needs to be done.</p> <p>3. Copy of draft application form, allotment letter, conveyance deed, builder buyer agreement, payment plan and payment receipt.</p> <p>4. Land title search report not submitted.</p> <p>5. The promoter has given a false undertaking stating that the balance receivables of Rs. 1,148,400,839 will be deposited in RERA designated Indusind bank account no. 252525002550 while as per DPI part A-H the RERA account mentioned by the promoter is 251303200802.</p>
<p>22. Case history</p>	

License no. 64 of 2010 dated 21.08.2010 on an area measuring 141.67 acres was issued in favor of Tejpal, Dal Chand, Chiman Lal, Hari Ram and others in collaboration with M/s Brahma City Pvt Ltd (earlier known as Krrish Buildtech Pvt Ltd) by DTCP, Haryana.

The settlement agreement dated 06.08.2012, clause 3.5 "*Allocation of developments and developable areas in the project*", the parties have mutually agreed that they shall divide the developed part of the project as follows: -

- i. For residential plots ratio of distribution between the parties has been agreed as 50.01 (Brahma City Pvt. Ltd.):49.99 (Krrish Realtech Pvt. Ltd.). Krrish allocation for residential plots shall be 206346 Sq. Yards of plots and 7947 Sq. Yards of EWS Plots (total 214293 Sq. Yards) and the brahma allocation for residential plots shall be 206427 Sq. Yards of plots and 7951 Sq. Yards of EWS Plots (total 214378 Sq. Yards)
- 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 (Krrish 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. Krrish World by Krrish 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 Achaleshwar 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-2273-2021/1 dated 21.05.2021 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 Krrish 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, J-145-J-146, 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/GGM/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.

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.

The matter was fixed for 16.08.2021.

On 16.08.2021, matter adjourned for 23.08.2021.

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 02.08.2021, 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.

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.

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.

On 02.11.2021, matter adjourned for 09.11.2021.

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.

On 23.11.2021, the authority decided to adjourn the matter. Next date of hearing will be 20.12.2021.

On 20.12.2021, this matter is linked with the penal proceeding for non-registration of the project. 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-2273-2021/1 dated 21.05.2021 were issued to the promoter for violation of provisions of section 3 of the Real Estate (Regulation and Development) Act, 2016.

Out of the total licensed area admeasuring 141.668 acres, 55.64 acres is unregistered, but the promoter has applied for registration of only 53.61 acres. The remaining unregistered area which still needs to be applied for registration is 2.03 acres which consists of electric substation. The promoter is directed to apply for the registration of 55.64 acres and submit the information online for the same along with details of sold and unsold inventory.

Details of the bank account of Brahma City Pvt. Ltd. where the amount of consideration was transferred by ABSPL. The list of bank account of M/s ABSPL shall also be submitted on the next date of hearing. Details of plots overall purchased from M/s Brahma City Pvt. Ltd. and details of the plots sold out of these plots shall also be submitted giving details of registration of the project where the plot is located. Matter to come up on 24.12.2021.

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.
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.

On 24.12.2021, vide application dated 24.12.2021, the promoter seeks time for submission of documents in compliance of order of the authority dated 20.12.2021. Therefore, the promoter seeks 2 weeks' time for collecting and submitting the requisite information and documents in the authority. Matter to be heard on 14.03.2022.

On 14.03.2022, Sh. Gulshan Kumar (Sr. Officer Liaison) and Ms. Priyanshi Kapoor (Company Secretary) were present on behalf of the promoter. The matter is adjourned for 15.03.2022.

On 15.03.2022, The matter will be heard dated 10.10.2022.

On 10.10.2022, The matter is adjourned for 12.10.2022.

On 12.10.2022, Ms. Deepika, Planning Executive briefed about the facts of the project. Sh. Rajesh Jain, Sh. Praveen Kumar (Associate GM-Legal) are present on behalf of the promoter. The matter was considered and it was decided to adjourned the same for 14.11.2022.


Asha

(Chartered Accountant)


Deepika

(Planning Executive)

Day and Date of hearing Monday and 14.11.2022

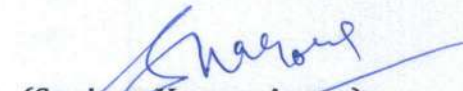
Proceeding recorded by Ram Niwas


PROCEEDINGS OF THE DAY

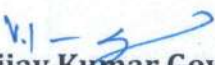
Proceedings dated: 14.11.2022


Ms. Deepika, Planning Executive and Ms. Asha, Chartered Accountant briefed about the facts of the project.

Sh. Rajesh Jain, Sh. Praveen Kumar (Associate GM-Legal), Vijay Singh are present on behalf of the promoter. The matter is partly heard and deferred to 15.11.2022.


(Sanjeev Kumar Arora)
Member, HARERA, Gurugram


(Ashok Sangwan)
Member, HARERA, Gurugram


(Vijay Kumar Goyal)
Member, HARERA, Gurugram


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

