

Project hearing brief

| SN | Particulars | Details | |
|----|-----------------------------------|--|--|
| 1. | Name of the project | Anant Raj Estate, plotted colony in sector 63A, Gurugram | |
| 2. | Name of the promotor | M/S Anant Raj Ltd. | |
| 3. | Legal capacity | Collaborator | |
| 4. | Name of the license holder | License No. 104 of 2019 granted to Hamara Realty Pvt Ltd and others in collaboration with Anant Raj Ltd. License No. 71 of 2014 granted to Anant raj Industries Ltd and others in collaboration with Anant raj Industries Ltd. License No. 119 of 2011 granted to Rose Realty Pvt Ltd and others in collaboration with Anant Raj Industries Ltd. | |
| 5. | Online application ID | RERA-GRG-PROJ-04-2018 | |
| 6. | License no. | 104 of 2019 dated 07.09.2019 | 06.09.2024 |
| | | 71 of 2014 dated 29.07.2014 | 28.07.2024 |
| | | 119 of 2011 dated 28.12.2011 | 27.12.2019 |
| 7. | Total licensed area | 110.20575 Acres | Area to be registered 2.08125 Acres |

8. Project Summary

An application regarding registration of plotted colony project namely "Anant Raj Estate" situated at sector 63A, Gurugram area admeasuring 2.08125 acres being developed by M/s Anant Raj Ltd was submitted on 31.12.2019 under section 4 of Real Estate (Regulation and Development), Act 2016. This application for registration is part of the plotted residential colony which has been licensed vide 3 nos. licenses issued in favor of various landowners.

1. License no. 104 of 2019 dated 07.09.2019 valid up to 06.09.2024. M/s Hamara Realty Pvt Ltd and others in collaboration with Anant Raj Ltd.
2. License no. 71 of 2014 dated 29.07.2014 valid up to 28.07.2024. M/s Anant raj Industries Ltd and others in collaboration with Anant raj Industries Ltd.
3. License no. 119 of 2011 dated 28.12.2011 valid upto 27.12.2019. M/s Rose Realty Pvt Ltd and others in collaboration with Anant Raj Industries Ltd

Hence, the total licensed area of the project is 110.20575 acres out of which part completion certificate vide memo no. LC-2543-JE(S)-2014/8878 dated 05.05.2014 for an area 65.112 acres has been granted by DTCP, Haryana which is revoked at the time of revision of layout plan and 43.012 acre is registered in interim HARERA, Panchkula vide RC no. 142 of 2017.

Further the promotor had applied for registration of additional license no. 104 of 2019 dated 07.09.2019 issued by DTCP, Haryana for plotted colony area admeasuring 2.08125 acres vide Temp Project ID RERA-PROJ-4-2018.

Keeping in view the above facts, the project site was visited on 01.07.2020 and as per observation/deficiencies found during site inspection, three show cause notices no. RERA-GRG-2687-2020 dated 10.09.2020 were issued for penalty and non-registration of project for different areas i.e., area for which part completion revoked, development of builder floors in block E without registration and plots sold in block G2 prior to the registration. for the area on which plots are sold without registration.

Details of three show cause notices for different areas of the residential plotted colony are as under:

1. Area under part completion which is revoked.

The promoter was granted part completion certificate for area measuring 65.112 acres dated 05.05.2014 which is revoked by DTCP, Haryana. The promoter has revised the layout plan for complete area measuring 110.2057 acres and got duly approved by DTCP, Haryana with additional license i.e., 104 of 2019 dated 07.09.2019. Further at the time of approving revised layout plan, DTCP Haryana has revoked the part completion certificate granted earlier dated 05.05.2014 for an area measuring 65.115 acres. The promoter has sold the plots in block A after the approval of revised layout plan for which earlier obtained part CC stands revoked. Hence this area of project becomes ongoing and should be registered with the authority. Therefore, this area is also registrable, and the promoter is directed to apply for registration. The promoter requested the Authority for granting some time to apply for registration. Hence the promoter was directed to submit an affidavit for filing the application for registration of project area within 1 month.

2. Development of builder floors in block E without registration.

The promoter is developing the builder floors in block E of the plotted colony and are being sold without registration. This area is also registrable; therefore, the promoter is directed to apply for registration. The promoter was directed to submit an affidavit for filing the application for registration of project area within 1 month.

3. Plots sold in block G2 prior to the registration.

The promoter has applied for registration of 2.08125 acres but before filing the application for registration, the promoter has sold the plots on this area (i.e., block G2) to the promoter M/s Avrana Projects LLP for developing residential floors vide sale deed executed on 14.10.2019. Hence the promoter has sold plots before registering the project with authority. Therefore, the Authority has decided to impose a penalty on the promoter under Section 59(1) for violating the proviso of Section 3(1) of the RERA, 2016.

Reply of the promoter submitted on 25.09.2020

Three show cause notices were issued to the promoter for different areas of the plotted colony against which the promoter has submitted reply as detailed under:

1. Area under part completion

The promoter has filed the reply dated 25.09.2020 stating that out of the total area i.e., 110.20575 acres, part completion dated 05.05.2014 for an area 65.112 acres has been obtained from DTCP, Haryana and 43.012 acres is registered with the Authority vide R.C. 142 of 2017. The balance area i.e., 2.08125 acres is applied for registration vide application no. RERA-PROJ-4-2018. Further due to grant of additional license no. 104 of 2019 for an area measuring 2.08125 acres by DTCP, very minor changes in the layout were proposed impacting only a few services in block A and B of the project, however no services in the block E were impacted. Subsequently services were completed in the block A and B as per the revised layout plan

dated 07.07.2019. Thereafter promoter has further applied for reinstatement of the part completion certificate with the DTCP, Haryana vide letter dated 18.11.2019. All the services such as road, sewer, storm water, streetlight etc along with the STP are completed in the area for which part completion certificate was obtained earlier, however due to force majeure circumstances of pandemic, the concerned approval of reinstatement of part completion is delayed.

2. Plots sold in the Block G2 without registration

The company has entered into the joint venture with M/s Birla Estate for developing builder floors on 191 plots of the project, out of which 75 plots are registered for constructing builder floors with the Authority vide R.C. no. 06 of 2020 and 07 of 2020. Further the plot nos. 6 to 12, 12a and 14 to 17 in block G2 are not advertised by the promoter and the same are part of the joint development to be undertaken by the JV company, where the developer company i.e., M/s Anant Raj Ltd. is equal partner and is equally responsible for development.

3. Development of builder floors in block E without registration

The promoter has submitted that occupation certificate for plot nos. 4-6, 9-12, 14-26, 37-41 and 43 has been obtained from the competent Authority. Plots nos. 1, 7-8, 27-36 and 42 are nearing completion and occupation certificate for the same will be obtained within 6 months. Further promoter has not undertaken any construction/sale on plot nos. 2, 3 and 44-56. However, the promoter has plans to market the same as plots only.

After scrutiny of reply submitted by the promoter the following observations are made;

1. The promoter has obtained part completion certificate for an area measuring 65.112 acres dated 05.05.2014, which is revoked by DTCP, Haryana as per the condition laid down in LC-III dated 25.07.2019 as the promoter proposed to re-plan the complete area of the project. Further, after inspecting the site on 01.07.2020, it was found that only 20% landscaping work, 50% streetlight work and 90% road work was complete in the area for which part completion was granted earlier and now stands revoked, but the promoter replied that all services i.e., road, streetlight etc. are completed.
2. The promoter has sold the plot nos. 6-12, 12a and 14-17 falling in the area applied for registration i.e., block G2 of the project to M/s Avarna Projects LLP as per the sale deed executed dated 14.10.2019.
3. The promoter is developing/marketing/ selling the builder floors in block E without registering the floors with the Authority. The occupation certificate for plot nos. 4-6, 9-12, 14-26, 37-41 and 43 are obtained after the commencement of the RERA Act.

The authority has sent various deficiency notice to the promoter and provided eighteen opportunities of hearing regarding removal of deficiencies. On hearing dated 13.07.2021, the promoter requested vide application dated 13.07.2021 for the adjournment of hearing. The authority decided to adjourn the matter and was fixed for 27.07.2021. as on today the promoter has not submitted the reply of remaining deficiencies which are mentioned below.

| 9. | File Status | Date |
|----|-------------|------|
|----|-------------|------|

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| | Project received on | 31.12.2019 |
| | Deficiency conveyed on | 20.01.2020 |
| | 1 st Hearing on | 27.01.2020 |
| | 2 nd Hearing on | 10.02.2020 |
| | 3 rd Hearing on | 16.03.2020 |
| | Hearing on | 07.04.2020 |
| | Hearing on | 09.06.2020 |
| | Hearing on | 23.06.2020 (Reply not submitted) |
| | Show cause notice sent on | 26.06.2020 |
| | Reply submitted on | 24.07.2020 |
| | Online hearing on | 27.07.2020 (adjourned) |
| | Online hearing on | 04.08.2020 |
| | Reply submitted on | 03.09.2020 |
| | Resubmitted on | 15.09.2020 |
| | Online hearing on | 16.11.2020 (adjourned) |
| | Hearing on | 27.11.2020 (adjourned) |
| | Hearing on | 14.12.2020 |
| | Hearing on | 18.01.2021 |
| | Hearing on | 08.02.2021 |
| | Hearing on | 22.02.2021 (adjourned) |
| | Reply submitted on | 22.02.2021 |
| | Hearing on | 23.02.2021 |
| | Hearing on | 26.04.2021 |
| | Hearing on | 23.06.2021 |
| | Hearing on | 13.07.2021 |
| 10. | Detail of encumbrances | Non encumbrance certificate submitted. |
| 11. | Details of units | 22 plots (4 NPNL plots), 1 shop |
| 12. | Total project cost | 27514.24 lacs |
| 13. | Comments | |
| | The following documents which are submitted by the promoter are as follows: | |

- Copy of approved environment clearance for additional area not submitted. (For construction of commercial)
Status: not required because the area is less than 125 acres.
- Final approval of electrical load availability NOC not submitted.
Status: submitted
- In Cash flow statement sources of fund and net cash flow statement needs to be corrected.
Status: corrected in the DPI
- Financial resources of the project have mention Rs 15540.3 Crore all the funds arrange from the instalments from the allottee however total cost of the project is Rs 29077.54 lakh this needs to be corrected and mention the financial resources of the project use from owned fund and loan fund if any.
Status: corrected
- Undertaking from bank regarding RERA compliance.
Status: submitted.
- Promoter has opened the Master account and Separate RERA compliant account in different banks.
Status: submitted the corrected account nos.
- CA certificate for actual expenses incurred till the date of making application for registration & inventory details not found on record to be submitted.
Status: CA Certificate as on date 31.12.2019 mention no of unsold units 212 however as per the latest DPI submitted no of unsold units have been 76 only. Details of sold units i.e., 136 (212-76) needs to be provided including with 134 units already sold.
- Allotment is not in the prescribed format. (Payment plan needs to be revised)
Status: payment plan submitted, and corrections found in the allotment letter which needs to be done by the promoter.
- BBA is also not in the format as specified in the Rules. BBA shall be signed with landowners as a confirming party.
Status: date of completion and possession date not mentioned in the BBA.

14. **Deficit documents**

- Approved service estimates and plans for 9.94375 acres not submitted.
Status: Service plan Estimates approved for 100.262 acres and applied for 9.94375 acres which are pending for approval at DTCP, Haryana.
- License no. 119 of 2011 is not renewed till date.
Status: copy of renewal not submitted.
- Promoter has submitted an affidavit on 22.02.2021 stating that he will apply for the registration of unregistered area within 30 days.
Status: promoter has not applied for the registration of unregistered area.

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| 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.

Sh. Sudhir Solanki (GM) and Sh. Akhil Kumar (GM) are present on behalf of the promoter.

An application regarding registration of plotted colony project namely "Anant Raj Estate" situated at sector 63A, Gurugram area admeasuring 2.08125 acres being developed by M/s Anant Raj Ltd was submitted on 31.12.2019 under section 4 of Real Estate (Regulation and Development), Act 2016.

The matter was discussed at length. It is pertinent to note that:

1. A notice under section 69 dated 10.09.2020 was issued on account of non-registration of project which comprises of non-registration of project for different areas i.e., area for which part completion revoked, development of builder floors in block E without registration and plots sold in block G2 prior to the registration. The penalty proceedings in this context shall be/are dealt separately.
2. It has been noticed that the license No. 119 of 2011 for 100.262 acres area has been expired on 27.12.2019 and the same is not yet renewed. As such the promoter has not applied for same as on date which is required to be applied.
3. It has further been noticed that part completion granted by DTCP, Haryana on 05.05.2014 for 65.112 acre of land was revoked on 25.07.2019. It has been submitted by the promoter that they have applied for the reinstate/re-grant of the part CC.


In view of the facts stated above the case is not right for considering it for registration. However, the penal proceedings under section 59 shall continue.

The promoter is hereby strictly restrained for further sale in the above project. He will submit an inventory of sold and unsold inventories as on date within 2 days and shall remain freeze till further orders.

The matter to come up on 03.08.2021 along with suo-motu case of non-registration.

Sh. Sakir Kumar
Member, HARERA, Gurugram

Sh. Vijay Kumar Goyal
Member, HARERA, Gurugram


Dr. Krishana Kumar Khandelwal
Chairman, HARERA, Gurugram