

Hearing brief for Project registration u/s 4




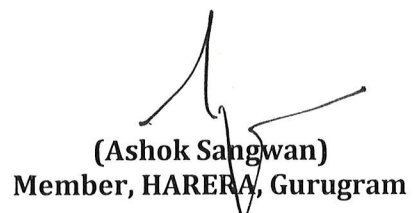
S.No.	Particulars	Details		
1.	Name of the project	Elan The Mark		
2.	Name of the promoter	M/s Elan Avenue Limited		
3.	Nature of the project	Commercial		
4.	Location of the project	Sector- 106, Gurugram		
5.	Legal capacity to act as a promoter	Collaborator		
6.	Name of the license holder	Albina Properties Ltd. and Airmid Developers Ltd. (Now Known as Elan Avenue Ltd.)		
7.	Name of the collaborator	M/s Elan Avenue Limited		
8.	Status of project	Ongoing		
9.	Whether registration applied for whole	Whole		
	Nature of the phase	Commercial		
	Phase no.	N/A		
10.	Online application ID	RERA-GRG-PROJ-1273-2022		
11.	License no.	79 of 2012 dated 17.08.2012.	valid upto 16.08.2024	
		11 of 2013 dated 12.03.2013.	valid upto 11.03.2024	
12.	Total licensed area	6.5250 acres	Area to be registered 6.5250 acres	
13.	Projected completion date	15.01.2028		
14.	QPR Compliances (if applicable)	N/A		
15.	4(2)(I)(D) Compliances (if applicable)	N/A		
16.	Statutory approvals either applied for or obtained prior to registration			
	S.No	Particulars	Date of approval	Validity upto
	i)	License Approval	79 of 2012 dated 17.08.2012. 11 of 2013 dated 12.03.2013.	16.08.2024 11.03.2024
	ii)	Revised Zoning Plan Approval	DGTCP- 8685 dated 17.10.2022	-
	iii)	Building plan Approval	ZP-1628/JD(NK)/2023/3444 dated 06.02.2023	05.02.2028
	iv)	Environmental Clearance	SEIAA/HR/2022/233 dated 25.09.2022	24.09.2032
	v)	Airport height clearance	AAI/RHQ/ NR/ATM/NOC/2022/237/1002-05 dated 05.05.2022	04.05.2030
	vi)	Fire approval scheme	Not Submitted	



	vii) Service plan and estimate approval	Not Submitted
17.	Fee Details	
	Registration Fee	44321.975 Sqm * 1.87 * 20 =Rs 16,57,642/-
	Processing Fee	44321.975 Sqm * 10 = Rs 4,43,220/-
	Late Fee	450% of registration fee 16,57,642/- * 4.5 = Rs 74,59,389/-
	Total Fee	Rs 95,60,251/-
18.	DD amount	1. Rs 12,00,000/- 2. Rs 9,01,000/-
	DD no. and date	1. 061468 dated 20.01.2023. 2. 061555 dated 13.02.2023.
	Name of the bank issuing	HDFC Bank
	Deficient amount	Rs 74,59,251/-
19.	File Status	Date
	File received on	21.01.2023
	Deficiency conveyed on	27.01.2023
	First hearing on	31.01.2023
	Second hearing on	14.02.2023
	Third hearing on	20.02.2023
	Fourth hearing on	27.02.2023
20.	Case History:	
	<p>The Promoter M/s Elan Avenue Ltd. who is a collaborator applied for the registration of real estate commercial colony namely "Elan The Mark" located at Sector-106, Gurugram under section 4 of the Real Estate (Regulations and Development) Act, 2016 vide central receipt no. 47983 dated 21.01.2023 and RPIN-570. The Temp I.D. of REP - I (Part A-H) is RERA -GRG-PROJ-1273-2022. The project area (Phase-1) for registration is 3.2239 Acres and the licensed area of the project is 6.5250 acres vide License no -79 of 2012 dated 17.08.2012 and license no - 11 of 2013 dated 12.03.2013. The promoter is developing the colony in two phases. However, phasing has not been done by DTCP, Haryana. The application for registration was scrutinized and 1st deficiency notice vide notice no. HARERA/GGM/RPIN/570 dated 27.01.2023 was issued to the promoter with an opportunity of being heard on 31.01.2023. On 31.01.2023, the matter was adjourned to 14.02.2023. The promoter has submitted a reply on 30.01.2023 and 08.02.2023 which are scrutinized and the status of the documents were conveyed to the promoter. The building plans have been approved by the DTCP on 06.02.2023. The building plans are approved for the whole area however, the promoter has applied for registration of project in phases (3.2239 acres) but the phasing has not been done by DTCP.</p>	



	<p>On 14.02.2023, Sh. Sumeet, Engineer Executive cum Planning Coordinator and Ms. Asha, Chartered Accountant briefed about the facts of the case. Ms. Priyanka Aggarwal (AR) is present on behalf of the promoter. The promoter has submitted the reply recently which needs to be scrutinized. The matter to come up on 20.02.2023.</p> <p>The promoter has submitted the DPI and online A-H form for registration of project as a whole instead of phase applied earlier.</p> <p>The promoter submitted two replies on 13.02.2023 and 15.02.2023 which are scrutinized and conveyed to the promoter.</p> <p>On 20.02.2023, Sh. Sumeet, Engineer Executive cum Planning Coordinator and Ms. Asha, Chartered Accountant briefed about the facts of the case. Ms. Priyanka Aggarwal (AR) is present on behalf of the promoter. The applicant/ promoter has submitted a representation regarding the late fee. The matter came up on 06.03.2023.</p> <p>The promoter had submitted the reply on 20.02.2023, 21.02.2023 and 23.02.2023 which were scrutinized and found that the promoter requested for the earlier hearing on 27.02.2023 instead of 06.03.2023.</p> <p>The status of documents is mentioned below:</p>
21.	<p>Present compliance status as on 27.02.2023 of the deficiencies conveyed in the last hearing dated 20.02.2023.</p> <ol style="list-style-type: none">1 Deficit Fee – Rs 74,59,251/-. Status: Representation submitted for non-applicability of late fee stating that the project is not launched till date nor any booking, advertisement, sale take place and obtained the building plan approval dated 06.02.2023. Further, submitted the copy of letter having memo no. HRERA/RD/2017/35/1049 dated 15.09.2017 issued by ED, HRERA, Panchkula addressed to NAREDCO regarding the registration of un-launched licensed projects.2 The annexures in the online application are not uploaded as well as correction needs to be done in the online (A-H) application. Status: Not submitted.3 Online DPI needs to be corrected. Status: Not submitted.4 Fire Scheme approval needs to be submitted. If applied, then copy of the same needs to be submitted. Status: Undertaking submitted for submission within 6 months from date of RC.5 Approved Service plan and estimates needs to be submitted. If applied, then copy of the same needs to be submitted. Status: Undertaking submitted for submission within 6 months from date of RC.6 Mining permission needs to be submitted. Status: Not Submitted.7 Cash flow statement need to be revised. Status: Not submitted.8 Loan documents needs to be provided. Status: Not Submitted but charge form submitted.
22.	<p>Remarks</p> <ol style="list-style-type: none">1 Deficit Fee – Rs 74,59,251/- - Representation regarding non-applicability submitted.

		<ol style="list-style-type: none"> 2 The annexures in the online application are not uploaded as well as correction needs to be done in the online (A-H) application. 3 Online DPI needs to be corrected. 4 Fire Scheme approval needs to be submitted. If applied, then copy of the same needs to be submitted. 5 Approved Service plan and estimates needs to be submitted. If applied, then copy of the same needs to be submitted. 6 Mining permission needs to be submitted. 7 Cash flow statement need to be revised. 8 Loan documents needs to be provided.
 Asha Chartered Accountant		 Sumeet Engineer Executive
Day and Date of hearing		Monday and 27.02.2023
Proceeding recorded by		Ram Niwas
PROCEEDINGS OF THE DAY		
<p>Proceedings dated: 27.02.2023. Sh. Sumeet, Engineer Executive cum Planning Coordinator and Ms. Asha, Chartered Accountant briefed about the facts of the case. Sh. Arvinder Dhingra (AS) and Ms. Priyanka Aggarwal (Advocate) are present on behalf of the promoter. The matter is deferred to 06.03.2023.</p>		
 (Sanjeev Kumar Arora) Member, HARERA, Gurugram		 (Ashok Sangwan) Member, HARERA, Gurugram