

Hearing brief for Project registration u/s 4

S.No.	Particulars	Details		
1.	Name of the project	Smartworld One DXP		
2.	Name of the promoter	M/s Nourish Developers Pvt. Ltd.		
3.	Nature of the project	Mixed Land Use		
4.	Location of the project	Sector- 113, Gurugram		
5.	Legal capacity to act as a promoter	Collaborator		
6.	Name of the license holder	M/s Aspis Buildcon Pvt. Ltd. and M/s Starcity Realtech Pvt. Ltd.		
7.	Name of the collaborator	M/s Nourish Developers Pvt. Ltd.		
8.	Status of project	NEW		
9.	Whether registration applied for whole	NO (In 4 phases)		
	Nature of the phase	Group Housing		
	Phase no.	1		
10.	Online application ID	RERA-GRG-PROJ-1217-2022		
11.	License no.	106 of 2022 dated 05.08.2022	valid up to 04.08.2027	
12.	Total licensed area	16.1125 acres	Area to be registered 7.94 acres (FAR-1,25,969.968 sqm as per DTCP approval)	
13.	Projected completion date	21.12.2027		
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	106 of 2022 dated 05.08.2022	04.08.2027
	ii)	Zoning Plan Approval	DTCP- 8789 dated 27.11.2022	
iii)	Building Approval plan	ZP-1632/PA(DK)/2022/36075 dated 01.12.2022	30.11.2027	
iv)	Environmental Clearance	SEIAA/2019/522 dated 24.12.2019	23.12.2029	



	v)	Airport clearance height	AAI/RHQ/NR/ATM/NOC/2019/122/548-551 dated 01.04.2019	31.03.2027
	vi)	Fire approval scheme	Applied on 02.12.2022	
	vii)	Service plan and estimate approval	Applied on 05.12.2022	
17.	Fee Details			
	Registration Fee		Residential FAR= 1,25,969.968 Sqm * 3.41 * 10 =Rs 42,95,576/-	
	Processing Fee		Residential FAR= 1,25,969.968 Sqm * 10 = Rs 12,59,700/-	
	Late Fee		N/A	
	Total Fee		Rs 55,55,276/-	
18.	DD amount		1. Rs 12,59,700/- 2. Rs 42,95,580/- 3. Rs 2,64,540/-	
	DD no. and date		1. 514114 dated 01.12.2022 2. 514112 dated 01.12.2022 3. 514113 dated 01.12.2022	
	Name of the bank issuing		ICICI Bank, Sector 54, Gurugram	
	Deficient amount		NIL (Excess amount - Rs 2,64,544/-)	
19.	File Status		Date	
	File received on		02.12.2022	
	Deficiency conveyed on		09.12.2022	
	First hearing on		12.12.2022	
	Second hearing on		13.12.2022	
20.	Case History:			
	<p>The Promoter M/s Nourish Developers Pvt. Ltd. who is a collaborator applied for the registration of real estate group housing colony namely "Smartworld One DXP" located at Sector-113, Gurugram under section 4 of the Real Estate (Regulations and Development) Act, 2016 vide central receipt no. 45129 dated 02.12.2022 and RPIN-541. The Temp I.D. of REP - I (Part A-H) is RERA -GRG-PROJ-1217-2022. The project area (Phase-1) for registration is 7.94 Acres as the licensed area of the project is 16.1125 acres vide License no -106 of 2022 dated 05.08.2022. The promoter is developing the colony in four phases.</p> <p>The area falling under Khasra nos. 1//5,6,7,15,16,25 of revenue estate of village Chauma falls under NCZ pockets as per regional plan, further, the area falling under khasra nos. 2//10/1/2/2/1, 2//10/1/2/2/2 shall not be in compact block due to NCZ pockets. Hence, the same are freezed till the clearance from NCZ. The promoter shall not raise any development/</p>			

	<p>construction over an area measuring 46L-10M comprising khasra nos. 1//5,6,7,15,16,25 and 2//10/1/2/2/1, 2//10/1/2/2/2 being freezed, till the clearance from NCZ.</p> <p>The license is subject to the outcome of Civil Suit No. 2886 of 2022 pending before the Court of Sh. Manoj Kumar Rana, CJ(SD), Gurugram titled as MGF Developers Limited vs. Cosmo Propbuild Pvt. Ltd. & others.</p> <p>The application for registration was scrutinized and 1st deficiency notice vide notice no. HARERA/GGM/RPIN/541 dated 09.12.2022 was issued to the promoter with an opportunity of being heard on 19.12.2022.</p> <p>The promoter has submitted the reply on 09.12.2022 which was scrutinized and the remaining deficiencies are mentioned above.</p> <p>The promoter has requested for the early hearing on 12.12.2022.</p> <p>On 12.12.2022, the matter was adjourned and fixed for 13.12.2022.</p> <p>The promoter submitted a reply on 12.12.2022 which was scrutinized and the status is mentioned below.</p>	
<p>21.</p>	<p>Present compliance status as on 13.12.2022 of deficient documents conveyed vide notice dated 09.12.2022 (On 12.12.2022 matter was adjourned to 13.12.2022)</p>	<ol style="list-style-type: none"> 1. The annexures in the online application are not uploaded as well as correction needs to be done in the online (A-H) application. Status: Corrected. hard copy needs to be submitted. 2. Online DPI needs to be corrected. Status: Corrected. hard copy needs to be submitted. 3. Fire Scheme approval needs to be submitted. If applied, then copy of the same needs to be submitted. Status: Applied on 02.12.2022, pending for approval. 4. Service plan and estimates needs to be submitted. If applied, then copy of the same needs to be submitted. Status: Applied on 05.12.2022, pending for approval. 5. Draft Application form needs to be submitted. Status: Submitted. 6. Draft allotment letter needs to be revised. Status: Submitted. 7. Draft builder buyer agreement needs to be revised. Status: Submitted. 8. Draft Conveyance Deed needs to be revised. Status: Submitted.



		<p>9. Draft brochure of the project needs to be submitted. Status: Submitted.</p> <p>10. REP-II needs to be revised. Status: Submitted.</p> <p>11. CA Certificate of land cost needs to be submitted. Status: Submitted.</p> <p>12. CA Certificate for expenditure incurred and to be incurred needs to be submitted. Status: Submitted.</p> <p>13. Financial resources needs to be clarified. Status: Submitted.</p> <p>14. Cash flow statement needs to be submitted. Status: Submitted.</p> <p>15. CA Certificate of non-default needs to be submitted. Status: Submitted.</p> <p>16. License fee, conversion charges, EDC and IDC needs to fill in online DPI as per LOI. Status: Submitted.</p>
22.	Remarks	<p>1. Hard copies of corrected DPI and REP-I (part A-H) be submitted. -The promoter may be directed to submit the bound hard copy of DPI and REP-1 within a week</p> <p>2. Fire Scheme approval needs to be submitted - As a guarantee for submission of fire scheme approval within three months from the issue of registration certificate, the promoter has submitted a cheque amounting to Rs. 25 lakhs.</p> <p>3. Service plan and estimates needs to be submitted- As a guarantee for submission of approved service plans and estimates within three months from the issue of registration certificate, the promoter has submitted a cheque amounting to Rs. 25 lakhs.</p>

Recommendations:

Email : hareragurugram@gmail.com, reragurugram@gmail.com, **Website :** www.harera.in
An Authority constituted under section 20 the Real Estate (Regulation and Development) Act, 2016
Act No. 16 of 2016 Passed by the Parliament

भू-संपदा (विनियमन और विकास) अधिनियम, 2016 की धारा 20 के अर्हत गठित प्राधिकरण


भारत की संसद द्वारा पारित 2016 का अधिनियम संख्यांक 16

The application submitted by the promoter for registration of real estate project under section 4 of the Act of 2016 as per details given above is complete and all the requisite documents as required u/s 4 of Act of 2016 and Haryana Rules, 2017 have been submitted and found to be in order except the Fire scheme approval and Approved service plan & estimates for which as a guarantee to submit the same within 3 months from the grant of registration, two cheque amounting to Rs 25 Lakhs each vide no. 000760 dated 09.12.2022 and no. 000761 dated 09.12.2022 of ICICI Bank have been submitted. The cheques have been received and entered in the register of Planning Coordinator and Planning Coordinator has sent it to Accounts Branch for encashment.

It is recommended that the Authority may consider the grant of registration.


Aska
Chartered Accountant


Sumeet
Planning Coordinator


13/12/2022
Ashish Kush
Planning Executive

Day and Date of hearing	Tuesday and 13.12.2022
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Proceeding recorded by	Ram Niwas
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PROCEEDINGS OF THE DAY


Proceedings dated: 13.12.2022.

Sh. Ashish Kush, Planning Executive briefed about the facts of the case.


Sh. Abhijeet Singh (AR), Sh. Manik Sharma (AR) and Sh. Bharat Vigmal (AR) are present on behalf of the promoter.

The promoter shall comply with the section 14(2) of the Act of 2016 while amending the building plans in future. The promoter shall also execute the Builder Buyer Agreement as per the prescribed format in the Rules, 2017. The allottees of this project have the rights in common areas of land at which the FAR is utilized.

Approved as proposed.


(Sanjeev Kumar Arora)
Member, HARERA, Gurugram


(Vijay Kumar Goyal)
Member, HARERA, Gurugram


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



HARERA
GURUGRAM

HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

Temp ID- RERA-GRG-1217-2022
Smartworld One DXP

AGENDA OF THE MEETING

DATED: 13.12.2022

ITEM NO.	RPIN	541
SUBJECT	Application for registration of project "Smartworld One DXP" in Sector-113, Gurugram being developed by M/s Nourish Developers Pvt. Ltd.	
APPLICATION DETAILS		
1.	Application for registration (for whole project/ phase)	Phase
2.	Name of the project	Smartworld One DXP
3.	(a) Total licensed area of the project	16.1125 acres
	(b) Area applied for registration	7.94 acres (FAR- 1,25,969.968 sqm as per DTC P approval) <i>Alash</i>
4.	Location of the project (location of the project is to give as phase is part of the project even if phase is to be registered)	Sector- 113, Gurugram
5.	Status of the project (status of the project is to be given not of the phase even if phase is to be registered) (New/ Ongoing) Definition of ongoing project as provided in rule 2(o) ¹	Ongoing
6.	Planning area	Gurgaon - Manesar Urban Complex - 2031 A.D.
CASE HISTORY		
Sr. No.	File status	Date

¹ "on-going project" means a project for which a license was issued for the development under the Haryana Development and Regulation of Urban Area Act, 1975 on or before the 1st May, 2017 and where development works were yet to be completed on the said date



	<table border="1"> <tr> <td>1.</td> <td>Application for registration received on</td> <td>02.12.2022</td> </tr> <tr> <td>2.</td> <td>Deficiencies conveyed on</td> <td>09.12.2022</td> </tr> <tr> <td>3.</td> <td>First hearing on</td> <td>12.12.2022</td> </tr> <tr> <td>4.</td> <td>Second hearing on</td> <td>13.12.2022</td> </tr> </table>	1.	Application for registration received on	02.12.2022	2.	Deficiencies conveyed on	09.12.2022	3.	First hearing on	12.12.2022	4.	Second hearing on	13.12.2022																																													
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9.	Name of the license holder	M/s Aspis Buildcon Pvt. Ltd. and M/s Starcity Realtech Pvt. Ltd.
10.	Name of the collaborator (if any)	M/s Nourish Developers Pvt. Ltd.
2.	Fee details	
1.	Fee details	
(a)	Registration fee	Residential FAR= 1,25,969.968 Sqm * 3.41 * 10 =Rs 42,95,576/-
(b)	Processing fee	Residential FAR= 1,25,969.968 Sqm * 10 = Rs 12,59,700/-
(c)	Late fee	N/A
(d)	Total	Rs 55,55,276/-
2.	DD Details	
(a)	DD amount	1. Rs 12,59,700/- 2. Rs 42,95,580/- 3. Rs 2,64,540/-
(b)	DD no. and date	1. 514114 dated 01.12.2022 2. 514112 dated 01.12.2022 3. 514113 dated 01.12.2022
(c)	Name of the bank issuing	ICICI Bank, Sector 54, Gurugram
(d)	Deficient amount	NIL
(e)	Remarks	Excess amount - Rs 2,64,544/-

ONLINE APPLICATION SCRUTINY

1.	Whether the applicant has applied for the registration on official website of the Haryana Real Estate Regulatory Authority, Gurugram.	YES	NO
		√	
2.	Unique no. generated online	RERA-GRG-PROJ-1217-2022	
3.	Whether the hard copy of the online application REP-I authenticated by promoter?	YES	NO
		√	
4.	The status of mandatory plans to be uploaded online before registration is as under:		



Sr. No.	List of plans	Tick if provided	Date of upload document
1.	Layout plan	√	02.12.2022
2.	Demarcation plan	√	10.12.2022
3.	Zoning plan	√	02.12.2022
4.	Building plans includes following		
4.1	Site plan	√	02.12.2022
4.2	Floor plan	√	02.12.2022
4.3	Apartment plans	√	10.12.2022
4.4	Elevation section	√	02.12.2022
4.5	X-section plan	√	02.12.2022
4.6	Structural plan	√	02.12.2022
4.7	Parking plan	√	02.12.2022
5.	Service plans and estimates (Applied)		
5.1	Roads and pavement plan	√	10.12.2022
5.2	Electricity supply plan	√	10.12.2022
5.3	Water supply plan	√	02.12.2022
5.4	Sewerage plan	√	02.12.2022
5.5	Solid waste management plan	N/A	
5.6	Storm water drainage plan	√	02.12.2022
5.7	Street light plan	√	10.12.2022
5.8	Landscape plan	√	01.12.2022
5.9	10% land transferred to the govt. for community facility	N/A	
5.10	Copy of super imposed demarcation plan on the approved layout plan	√	02.12.2022
<p>Note: Sr. no. 5.1 to 5.10 are part of the service plans and estimates submitted by the promoter to the competent authority for approval. Till approval is received the promoter should upload above plans as prepared by him and submitted to competent authority for approval. As and when approval is received the copy of the approved plan be uploaded online.</p>			



5.	The status of mandatory documents to be uploaded online before registration is as under:					
	Sr. No.	List of documents			Tick if provided	Date of upload document
	1.	Copy of license along with schedule of land			√	01.12.2022
	2.	Documents relating to the entry of license and collaboration agreement in the revenue record			√	01.12.2022
	3.	Non-default certificate from a chartered accountant			√	01.12.2022
	4.	Cash flow statement of the proposed project			√	10.12.2022
5.	Certificate from a chartered accountant certifying that the information provided by the applicant in form REP-1 is correct as per the books of accounts/balance sheet of the applicant			√	01.12.2022	
6.	The documents uploaded online have been checked and same are found in order.				YES	
7.	The hard copy of online application i.e., REP-I (Part A-H) is in the proper format and all required details have been provided.				YES	
8.	Following are the deficiencies in the online application form:					
	Sr. No.	Status of deficiencies in online application				
1.	All the deficiencies are removed.					
DETAILED PROJECT INFORMATION: SCRUTINY						
9.	One set of DPI in the proper format has been received and checked. All the necessary details have been provided and found to be in order. DPI along with annexures is placed before the authority for consideration.					
10.	Details of statutory approvals.					
	10.1	Statutory approvals required prior to registration				
		Sr. No.	Particulars	Approval no.	Date	Valid upto
1.	License approval	106 of 2022	05.08.2022	04.08.2027		




		2.	Zoning approval plan	DTCP-8789	27.11.2022	N/A		
		3.	Building Plan	ZP-1632/PA(DK)/2022/36075	01.12.2022	30.11.2027		
		4.	Environment Clearance approval	SEIAA/2019/522	24.12.2019	23.12.2029		
	10.2	Approvals either applied for or obtained prior to registration. (These approvals if applied be obtained within three months of issue of registration certificate. After approval intimation, be given to the authority and online updation be done.)						
		1.	Airport clearance height	AAI/RHQ/NR/ATM/NOC/2019/122/548-551	01.04.2019	31.03.2027		
		2.	Fire approval scheme	Applied	02.12.2022			
		3.	Service plan estimates approval	Applied	05.12.2022			
		4.	Electrical availability load connection	Memo. No. 85	16.08.2022			
	10.3	Mandatory approvals if applicable and required before construction can be started. (These may be either applied or obtained prior to registration. The applied permissions be obtained within three months of issue of registration certificate.)						
		1.	Forest NOC	UD4-CCM-WDH5	07.08.2018			
		2.	Natural conservation zone NOC	N/A				
		3.	Tree cutting permission from DFO NOC	N/A			Affidavit given	
		4.	Forest diversion land	N/A			Affidavit given	
		5.	Power Line shifting NOC	N/A			Affidavit given	



11.	(a)	Additional scrutiny and verification by Planning Executive		
		Sr. No.	Description	Scrutiny
		1.	Land title of the project – whether title deeds, mutation, jamabandi and aks-shajra duly certified by revenue officer six months prior to date of application are attached.	YES
		2.	License validity – if expired, whether renewal application submitted to DTCP along with payment of requisite fee	Valid
		3.	In case promoter is other than licensee – confirm collaboration/ development agreement as below: -	
		3.1	Collaboration agreement – registered or not	YES
		3.2	Whether it is irrevocable	YES
		3.3	Whether it provides marketing right to developer	YES
		3.4	Verify and report – any other restricting clause in such agreement	N/A
		4.	Whether beneficiary interest permission in favor of promoter – approved by DTCP is attached.	N/A
5.	Whether non-encumbrance certificate issued by tehsildar/ revenue officer is submitted.	YES		
6.	In case of encumbrance whether prescribed form filed with registrar of companies for creation of charge	N/A		
7.	Whether the land title search report is in order	YES		
	(b)	Comments of Planning Executive		
		<p>➤ The area falling under Khasra nos. 1//5,6,7,15,16,25 of revenue estate of village Chauma falls under NCZ pockets as per regional plan, further, the area falling under khasra nos. 2//10/1/2/2/1, 2//10/1/2/2/2 shall not be in compact block due to NCZ pockets. Hence, the same are freezed till the clearance from NCZ. The promoter shall not raise any development/ construction over an area measuring 46L-10M comprising khasra nos. 1//5,6,7,15,16,25 and 2//10/1/2/2/1, 2//10/1/2/2/2 being freezed, till the clearance from NCZ.</p>		





	<p>➤ The license is subject to the outcome of Civil Suit No. 2886 of 2022 pending before the Court of Sh. Manoj Kumar Rana, CJ(SD), Gurugram titled as MGF Developers Limited vs. Cosmo Propbuild Pvt. Ltd. & others.</p>	
	Sr. No.	Deficiencies/Observations
	1.	All the deficiencies have been fulfilled by the promoter except Fire Scheme Approval and Approved Service Plan and Estimates.
		 Ashish Kush Planning Executive
12.	Scrutiny by Chartered Accountant	
	Description	Scrutiny
	Part - A - Project proponents	
	1.	Check company incorporation and object clause in memorandum & articles of association Provided
	2.	In case of change in name of entity, whether previous incorporation certificate/ identity document is attached N/A
	3.	Whether director's information as required along with supporting documents like address proof, PAN card, passport, etc. are attached? Provided
	Part - C - Project details	
	4.	In case land is encumbered, whether requisite charge is created in favor of lender? (Copy of form filed with ROC to be attached along with sanction letter of lender) Non encumbrance Certificate provided
	5.	Whether supporting documents for land cost are attached? Sale deed provided
	6.	Whether infrastructure cost as mentioned is in line with supporting documents? YES
	7.	Whether financial resources to meet the project cost are properly mentioned? YES
	8.	Whether all particulars in section are properly filled in and provided? YES
	Part - E - Project cost/ sale proceeds details	



9.	Whether all supporting documents for project cost are submitted?	YES
10.	Whether project report and supporting costing documents for internal development work are provided?	YES
11.	Whether construction cost & other details as mentioned are in line with details in other sections?	YES
PART - H - Separate bank account of project		
12.	Whether the board resolution duly acknowledged by bank for operation of bank account is submitted properly specifying same to be 70% collection account as per RERA rules.	Provided
13.	Whether details of all authorized signatories to operate the bank account are properly mentioned in prescribed format and required documents are submitted for same	Provided
Part - J - Quarterly schedule of physical and financial progress		
14.	Whether the financials details in summary sheet are properly filled in and duly authenticated?	YES
15.	Verify quarterly expenditure statement till end of project and ensure that all cost elements are captured therein	YES
16.	Verify quarterly source of funds till end of project and ensure that there is no inconsistency in same with summary details provided in section	YES
17.	Verify that sale numbers are matching with summary details in prescribed form	N/A
18.	Verify net cash flow statement to ensure that it remains positive till end of project	YES
19.	Whether CA certificate for non-default in payment of debt obligations is provided	YES
20.	Verify financial statements for last three years of promoter and check for repayment of financial obligations, statutory dues. Any other adverse financial position as observed from financial statements is to be highlighted.	No default in any dues
21.	Net worth of promoter (as per latest balance sheet)	Net Worth of Rs 940.59 Lakhs as per 2021-22



Part - K - Additional details in case of ongoing project			
22.	Whether financial and inventory details are verified by CA and CA certificate is issued in prescribed format?	N/A	
23.	Comments of Chartered Accountant		
	Sr. No.	Deficiencies/Observations	
	1.	All the financial deficiencies are removed.	
		 Asha Chartered Accountant	
13.	Scrutiny by Planning Executive		
	Sr. No.	Description	Scrutiny
	1.	Whether the collaboration agreement is registered?	YES
	2.	Whether the collaboration agreement is irrevocable?	YES
	3.	Whether the land mentioned in the collaboration agreement is same as mentioned in the license?	YES
	4.	Whether the fact that project land licensed and bonded for setting up of a colony has been informed to the revenue department for entry in the record of ownership?	YES
	5.	Whether collaboration agreement gives right to develop, marketing, raising funds and allotment of real estate in totality?	YES
	6.	Whether the sale agreement with the buyer by the beneficial interest permission holder i.e. promoter is entered into with the concurrence and signatures of licensee and collaborator (if any)?	N/A
	S.no	Comments	
	1.	All the deficiencies are removed.	
		 Ashish Kush Planning Executive	



14.	Conditions to be incorporated in the registration certificate:
1.	The promoter shall enter into an agreement for sale with the allottees as prescribed in the Haryana Real Estate (Regulation and Development) Rules, 2017 and amended as per requirements and approved by the authority.
2.	The promoter shall offer to execute and register a conveyance deed in favour of the allottee or the association of the allottees, as the case may be, of the unit/apartment, plot or building as the case may be, as per section 17 of the Act;
3.	The promoter shall convey/allow usage of common areas as per Rule 2(1)(f) of the Haryana Real Estate (Regulation and Development) Rules, 2017.
4.	The promoter shall deposit seventy percent of the amounts realized by the promoter in a separate account to be maintained in a schedule bank to cover the cost of construction and the land cost to be used only for that purpose as per sub-clause(D) of clause (I) of sub-section (2) of section 4;
5.	The registration shall be valid for a period as mentioned above under the head "validity of registration" subject to validity of licenses granted by DTCP and promoters shall be bound to obtain prior renewals thereof.
6.	The promoter shall comply with the provisions of the Real Estate (Regulation & Development) Act, 2016 and the Haryana Real Estate (Regulation and Development) Rules, 2017 as applicable in the State and regulations made thereunder applicable in the jurisdiction of this authority;
7.	The promoter shall not contravene the provisions of any other law for the time being in force as applicable to the project.
8.	The promoter shall comply with all other terms and conditions as mentioned in the attached detailed project information (DPI) and as conveyed by the Authority from time to time.
9.	<p>The apartment or building shall be sold only on carpet area basis and not on super area basis and the total sale consideration shall be inclusive of all charges. No separate EDC/IDC are payable by the allottees except the total sale consideration. Attention is invited to model agreement for sale provided in the Haryana Real Estate (Regulation and Development) Rules, 2017. (Term 1.2)</p> <p><i>Explanation:</i></p> <p>(i) <i>The Total Price as mentioned above includes the booking amount paid by the allottee(s) to the Promoter towards the Plot/Unit/Apartment for Residential/Commercial/Industrial/IT/any other usage (as the case may be) along with parking (if applicable);</i></p> <p>(ii) <i>The Total Price as mentioned above includes Taxes (GST and Cess or any other taxes/fees/charges/levies etc. which may be levied, in connection with the development/construction of the Project(s)) paid/payable by the Promoter up to the date of handing over the possession of the Plot/Unit/Apartment for Residential/Commercial/Industrial/IT/any other usage (as the case may be) along with parking (if applicable) to the allottee(s) or</i></p>



	<p><i>the competent authority, as the case may be, after obtaining the necessary approvals from competent authority for the purpose of such possession:</i></p> <p><i>Provided that, in case, there is any change/modification in the taxes/charges/fees/levies etc., the subsequent amount payable by the allottee to the promoter shall be increased/decreased based on such change/modification.</i></p>
10.	<p>The attention of the promoter is invited to the definition of common areas provided in section 2(n) of the Real estate (Regulation and Development) Act, 2016. Section 2(n) of the Real Estate (Regulation and Development) Act, 2016 is reproduced as under:</p> <p><i>"common areas" mean—</i></p> <ul style="list-style-type: none"><i>(i) the entire land for the real estate project or where the project is developed in phases and registration under this Act is sought for a phase, the entire land for that phase;</i><i>(ii) the staircases, lifts, staircase and lift lobbies, fire escapes, and common entrances and exits of buildings;</i><i>(iii) the common basements, terraces, parks, play areas, open parking areas and common storage spaces;</i><i>(iv) the premises for the lodging of persons employed for the management of the property including accommodation for watch and ward staffs or for the lodging of community service personnel;</i><i>(v) installations of central services such as electricity, gas, water and sanitation, air-conditioning and incinerating, system for water conservation and renewable energy;</i><i>(vi) the water tanks, sumps, motors, fans, compressors, ducts and all apparatus connected with installations for common use;</i><i>(vii) all community and commercial facilities as provided in the real estate project;</i><i>(viii) all other portion of the project necessary or convenient for its maintenance, safety, etc., and in common use;</i>
11.	<p>The sale shall not be permitted through real estate agent without availability of prospectus/brochure containing necessary details and a set of drawings and approvals with the real estate agent registered with the HARERA. In case of introduction of new real estate agent or change/deletion of real estate agent as mentioned in the DPI, the promoter shall inform the same to the authority.</p>
12.	<p>There shall not be any subvention scheme/ assured returned scheme for the registered project without prior approval of the authority.</p>
13.	<p>The promoter at the time of booking and issue of allotment letter shall be responsible to make available to the allottee, the following information, namely—</p> <ul style="list-style-type: none">(a) Sanction plan, layout plans along with specification, approved by the competent authority, by display at the site or such other place as may be specified by the regulations made by the authority.(b) The stage wise time schedule of completion of the project including the provisions for civic infrastructure like water, sanitation and electricity. <p>[Obligation of the promoter under section 11(3)]</p>



14.	<p>The promoter shall enable the formation an association of allottees or society or co-operative society, as the case may be, of the allottees, or a federation of the same shall be formed, within a period of three months of the majority of allottees having booked their apartment/building/plot and inform the authority about the AOA.</p> <p>[Obligation of the promoter under section 11(4)(e),]</p>
15.	<p>At the time of issue of allotment letter an application form for membership of the association of allottee shall be got filled up from the allottee.</p> <p>The promoter shall incorporate a condition in the allotment letter that buyer of unit shall enroll himself as a member of association of allottee to be registered for this project.</p> <p>Every allottee of the apartment, plot or building as the case may be, shall participate towards the formation of an association or society or corporative society or the allottees, or a federation of the same.</p> <p>[Duty of the allottee under section 19(9)]</p>
16.	<p>The promoter shall issue the allotment letter as per draft annexed in the detailed project information which is duly approved by the authority and authenticated by the promoter. In case, the promoter wants to amend certain conditions/clauses, a separate application with justification for such variation/change be submitted for consideration of the Authority and till such change is allowed, the draft allotment letter shall be followed as approved by the authority with the DPI or as per directions issued by the authority.</p>
17.	<p>The promoter shall declare details of the unit along with specifications, payment plan and time for handing over of possession of unit after obtaining all required approvals from the competent authority.</p>
18.	<p>As per section 13(1), the promoter shall not accept a sum more than ten per cent of the cost of the apartment, plot, or building as the case may be, as an advance payment or an application fee, from a person without first entering into a written agreement for sale as prescribed with such person and register the said agreement for sale, under any law for the time being in force.</p>
19.	<p>The promoter is obligated to take various approval/renewals whenever due on time, from the competent authorities. Any failure in this regard will invite stringent action as per the provision of the law against the promoter.</p>
20.	<p>The promoter shall comply with the requirement of section 11(1) and submit the quarterly up-to-date status of the project for each quarter.</p>
21.	<p>The promoter shall complete the construction of community sites within the completion period declared under section 4(2)(l)(C) of the Act, 2016 and any failure would attract stringent action and penal proceedings.</p>
22.	<p>The authority reserves its right to initiate penal proceedings for violation of various provisions of the Real Estate (Regulation & Development) Act, 2016 and rules and regulations made thereunder.</p>
Additional Conditions	



23.	The promoter shall submit the Fire Scheme Approval and Approved Service Plan & Estimates within 3 months from the issuance of the registration certificate.
24.	The promoter has submitted the 2 Cheques of ICICI Bank having no. 000760 and 000761 dated 09.12.2022 amounting to Rs. 25 lakhs each towards the submission of Fire Scheme Approval and Approved Service Plan & Estimates respectively. These cheques shall be forfeited in case the respective conditions are not fulfilled by the promoter within the stipulated time period mentioned in the conditions.
25.	In case of failure to submit the Fire Scheme Approval and Approved Service Plan & Estimates within three months' time from the date of issuance of registration certificate and if any allottee who have booked any unit in the project (Phase 1) and wishes to withdraw from the project then the amount collected from the allottee will be refunded with interest at the prescribed rate within one month thereafter only.
26.	The promoter shall comply with the requirement of section 4(2)(l)(D) and get his accounts audited within six months after the end of every financial year by a chartered accountant in practice, and shall produce a statement of accounts duly certified and signed by such chartered accountant and it shall be verified during the audit that the amounts collected for a particular project have been utilized for that project and the withdrawal has been in compliance with the proportion to the percentage of completion of the project. All such pending compliances after coming into force of the Real Estate (Regulation and Development) Act, 2016 shall be submitted in the authority within a period of three months.
27.	The promoter is directed to clear the title of the project land from any litigations before the offer of possession and if due to the above litigation, any allottee gets the defective title of land and in case of any loss caused to him due to defective title of the land then the allottee would be entitled to get compensation as provided in section 18(2) of the Act.
28.	The area falling under Khasra nos. 1//5,6,7,15,16,25 of revenue estate of village Chauma falls under NCZ pockets as per regional plan, further, the area falling under khasra nos. 2//10/1/2/2/1, 2//10/1/2/2/2 shall not be in compact block due to NCZ pockets. Hence, the same are freezed till the clearance from NCZ. The promoter shall not raise any development/ construction over an area measuring 46L-10M comprising khasra nos. 1//5,6,7,15,16,25 and 2//10/1/2/2/1, 2//10/1/2/2/2 being freezed, till the clearance from NCZ.
29.	The license is subject to the outcome of Civil Suit No. 2886 of 2022 pending before the Court of Sh. Manoj Kumar Rana, CJ(SD), Gurugram titled as MGF Developers Limited vs. Cosmo Propbuild Pvt. Ltd. & others.
30.	The promoter shall comply with the section 14(2) of the Act of 2016 while amending the building plans in future. The promoter shall also execute the Builder Buyer Agreement as per the prescribed format in the Rules, 2017. The allottees of this project have the rights in common areas of land at which the FAR is utilized.



Recommendations:

The application submitted by the promoter for registration of real estate project under section 4 of the Act of 2016 as per details given above is complete and all the requisite documents as required u/s 4 of Act of 2016 and Haryana Rules, 2017 have been submitted and found to be in order except the Fire scheme approval and Approved service plan & estimates for which as a guarantee to submit the same within 3 months from the grant of registration, two cheque amounting to Rs 25 Lakhs each vide no. 000760 dated 09.12.2022 and no. 000761 dated 09.12.2022 of ICICI Bank have been submitted. The cheques have been received and entered in the register of Planning Coordinator and Planning Coordinator has sent it to Accounts Branch for encashment.

It is recommended that the Authority may consider the grant of registration.

DECISION OF THE AUTHORITY

Sh. Ashish Kush, Planning Executive briefed about the facts of the case.

Sh. Abhijeet Singh (AR), Sh. Manik Sharma (AR) and Sh. Bharat Vignal (AR) are present on behalf of the promoter.

The promoter shall comply with the section 14(2) of the Act of 2016 while amending the building plans in future. The promoter shall also execute the Builder Buyer Agreement as per the prescribed format in the Rules, 2017. The allottees of this project have the rights in common areas of land at which the FAR is utilized.

Approved as proposed.

(Sanjeev Kumar Arora)
Member, HARERA, Gurugram

(Vijay Kumar Goyal)
Member, HARERA, Gurugram

Dr. Krishana Kumar Khandelwal
Chairman, HARERA, Gurugram

