HARERA
GURUGRAM

HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM
हरियाणा भू–संपदा विनियामक प्राधिकरण, गुरुग्राम

New PWD Rest House, Civil Lines, Gurugram, Haryana

Project- Samsara ABSPL Plots
Temp- ID- HARERA-GRG-761-2020

Project hearing brief

SN	Particulars	Details		
1.	**Name of the project**	Samsara ABSPL Plots		
2.	**Name of the promotor**	M/s Adani Brahma Synergy Pvt. Ltd.		
3.	**Nature of the project**	Residential Plotted colony		
4.	**Location of the project**	Sector- 63, Village Maidawas, Gurugram		
5.	**Legal capacity**	Third party rights created. (2.756 Acres purchased out of 141.66875 from Brahma City Pvt Ltd.)		
6.	**Name of the license holder**	Tejpal, Dal Chand, Chiman Lal and others		
7.	**Name of the collaborator**	M/s Brahma City Pvt Ltd. (earlier known as Krrish Buildtech Pvt Ltd)		
8.	**Status of project**	New project		
9.	**Whether registration applied for whole/ phase**	Phase		
10.	**Online application ID**	RERA-GRG-PROJ-761-2020		
11.	**License no.**	64 of 2010 dated 21.08.2010 valid till 20.08.2025		
12.	**Total licensed area**	(2.756 Acres purchased out of 141.66875 from Brahma City Pvt Ltd.)	**Area to be registered**	2.756 Acres
13.	**Project completion date as declared u/s 4(2)(l)(c)**	31.12.2022		
14.	**QPR Compliance (If applicable)**	357 of 2017:Samsara part- 3, December 2018 to September 2019		
		207 of 2017: Samsara part- 1, December 2018 to September 2019		
		37 of 2018: Samsara part- 4 (Phase-1 to 3), March 2019 to September 2019		
		13 of 2019: Samsara part- V, June 2019 to December 2021 & 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	20.08.2025
	ii)	**Zoning Plan Approval**	5968 dated 07.07.2017	
	iii)	**Layout plan Approval**	5925 dated 12.06.2017	
	iv)	**Environmental Clearance**	NA	NA
	v)	**Airport height clearance**	NA	
	vi)	**Fire scheme approval**	NA	-
	vii)	**Service plan and estimate approval**	LC-2365(Loose)/PA(VA)/2022/28955 Dated-22.09.2022	
17.	**File Status**		**Date**	
	Project received on		18.12.2020	
	1st deficiency notice sent on		22.12.2020	
	Hearing on		04.01.2021 (adjourned)	
	Reply submitted on		05.01.2021	
	Hearing on		01.02.2021	
	Reply submitted on		09.02.2021	
	Reply submitted on		03.03.2021	
	Hearing on		10.03.2021	
	Hearing on		17.03.2021	
	Reply submitted on		16.04.2021	
	Hearing on		26.04.2021	
	Reply submitted on		11.06.2021	
	Hearing on		23.06.2021	
	Hearing on		06.07.2021 (adjourned)	
	Hearing on		07.07.2021	
	Hearing on		27.07.2021	
	Hearing on		10.08.2021	

	Hearing on	24.08.2021
	Hearing on	13.09.2021
	Hearing on	08.11.2021
	Hearing on	22.11.2021
	Hearing on	20.12.2021
	Hearing on	24.12.2021
	Hearing on	17.01.2022
	Hearing on	31.01.2022
	Hearing on	14.03.2022
	Hearing on	28.03.2022
	Hearing on	31.03.2022
	Hearing on	02.04.2022
	Hearing on	18.04.2022
	Hearing on	02.05.2022
	Hearing on	06.06.2022
	Hearing on	04.07.2022
	Hearing on	01.08.2022
	Hearing on	08.08.2022
	Hearing on	22.08.2022
	Hearing on	12.09.2022
	Hearing on	12.10.2022
	Hearing on	14.11.2022
	Hearing on	15.11.2022
	Hearing on	21.11.2022
18.	**Present stage of completion for ongoing projects (%)**	New Project
19.	**Detail of encumbrances**	ROC submitted Amount of loan borrowed- 130.75 crore Details of assets mortgaged-34 Plots mortgaged Period of loan- March 2018 to June 2022 (Induslnd Bank)
21.	**Deficit Documents with status**	1. Correction in online REP-I (A-H) needs to be done. **Status- Not Submitted**

		2. Online DPI not submitted. **Status- Not Submitted** 3. CA Certificate for equity fund infused by the promoter needs to be provided. **Status- Not Submitted** 4. Builder buyer agreement as per prescribed format needs to be submitted. **Status- Not Submitted** 5. Allotment letter and payment receipt needs to be submitted. **Status- Not Submitted**
22.	**Deficit Documents**	1. Correction in online REP-I (A-H) needs to be done. 2. Online DPI not submitted. 3. CA Certificate for equity fund infused by the promoter needs to be provided. 4. Builder buyer agreement as per prescribed format needs to be submitted. 5. Allotment letter and payment receipt needs to be submitted.

20. Case History

An application regarding registration of residential plotted colony project namely "Samsara ABSPL Plots" situated at sector 63, Gurugram being developed by M/s Adani Brahma Synergy Pvt Ltd was submitted on 18.12.2020 under section 4 of Real Estate (Regulation and Development), Act 2016. 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 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 59.63 acres) (Block A to H)

Therefore, area admeasuring 85.73 acres is registered out of the total licensed area i.e., 141.67 acres and 55.94 acres is unregistered.

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).

Now, application is applied for registration of project namely "Samsara ABSPL Plots" area admeasuring 2.756 acres consisting of 34 plots out of total 87 plots (J56-J74, J76-J112, J116-J139, J141-J146, J149-J150). These 87 plots have been sold to M/s Adani Brahma Synergy Pvt Ltd through conveyance deed dated 08.10.2018.

After the scrutiny of the application, deficiencies were noticed, which were conveyed to the promoter vide notice no. HARERA/GGM/RPIN/283 dated 22.12.2020 with directions to remove the deficiencies latest by 01.01.2021 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 04.01.2021.

In reference to the notice dated 22.12.2020, the promoter has submitted the reply of on 05.01.2021 which was scrutinized by the authority and found that still major deficiencies are not fulfilled by the promoter. Next date of hearing was fixed for 10.03.2021. The promoter again submitted the reply on 09.02.2021, 03.03.2021, 16.04.2021 and 11.06.2021 which was scrutinized and found that the major deficiencies were still not fulfilled by the promoter. Matter was fixed for hearing on 26.04.2021 but due to Covid-19 pandemic, authority meeting could not be held. Accordingly, authority has decided to fix the matter on 23.06.2021. These remaining deficiencies were conveyed to the promoter vide email dated 25.05.2021 and 19.06.2021.

On 23.06.2021, the promoter was directed to remove the deficiencies and submit the reply before next date of hearing. Necessary online information be submitted at https://hrera.in/app1/signup. The matter to come up on 06.07.2021. Matter adjourned from 06.07.2021 to 07.07.2021.

On hearing dated 07.07.2021, the promoter was directed to remove the deficiencies and submit the reply before next date of hearing. Necessary online information be submitted at https://hrera.in/app1/signup. The matter decided to come up on 27.07.2021.

On hearing dated 27.07.2021, online DPI remains to be completed by the promoter. AR had assured that it will be completed within 3 days. The matter was decided to come up on 10.08.2021.

On 10.08.2021, the matter was discussed in detailed. It has come to the notice of the authority that the basic premises to register is validity of the license. As informed by the promoter, M/s Brahma City Pvt Ltd has applied for the renewal and is pending with the DTCP. The promoter has applied for registration of 34 plots in the legal capacity of third-party right holder. M/s Brahma City Pvt Ltd has sold plots to M/s Adani Brahma Synergy Pvt Ltd vide conveyance deed without getting them registered in the authority. Therefore, a show cause notice dated 21.05.2021 was sent to M/s Brahma City Pvt Ltd for violation of provisions of section 3 of the Real Estate (Regulation and Development) Act, 2016. Accordingly, M/s Brahma City Pvt Ltd has applied for registration in the authority, which was scrutinized, and deficiencies conveyed to the promoter. Therefore, the authority had decided to take up this matter along with the project applied by M/s Brahma City Pvt Ltd. Matter decided to come up on 24.08.2021.

On 24.08.2021, the promoter was asked to submit details of the bank account where the money for purchase of plots has been paid to M/s Brahma City Pvt. Ltd. Matter to come up on 13.09.2021

On 13.09.2021, on the request of the AR of the promoter, 15 days' time is granted. Matter decided to come up on 11.10.2021.

On 11.10.2021, the promoter was directed to submit the online detailed project information along with deficit documents. The matter decided to come up on 08.11.2021.

On 08.11.2021, the promoter was directed to submit the online detail project information along with other deficit documents which were conveyed to the promoter. The promoter has purchased 87 plots from Brahma City Pvt. Ltd. and registration is being sought only for 37 plots. Discrepancy be explained by the promoter within a week. The matter decided to come up on 22.11.2021.

On 22.11.2021, the authority decided to adjourn the matter. Next date of hearing fixed for 20.12.2021.

On 20.12.2021, in the last hearing, the promoter was directed to submit the online detail project information along with other deficit documents which were conveyed to the promoter. As on today, the promoter has neither submitted the online DPI nor the deficit documents which are mentioned in the agenda note.

It was submitted by the AR that the hard copy of DPI and corrections in the online DPI shall be done within 3 days. 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. Accordingly, the matter to come up on 24.12.2021.

On 24.12.2021, the promoter has not submitted the online DPI till date neither submitted any documents as per the directions given by the authority in the last hearing. The promoter is directed to submit the online DPI along with other deficit documents before next date of hearing. Matter to come up on 17.01.2022.

On 17.01.2022, matter adjourned for 31.01.2022.

On 31.01.2022, matter adjourned for 14.03.2022.

On 14.03.2022, the application for registration of 34 no. of plots purchased through conveyance deed from M/s Brahma City Pvt. Ltd. is also not registered and prior registration of plotted colony being developed by M/s Brahma City Pvt. Ltd. is required which is separately under consideration. In meanwhile, the AR was directed to complete the form A to H and online DPI and submission of deficit documents/approvals which have already been conveyed and AR seeks 2 weeks' time for doing the needful. The matter to come up on 28.03.2022.

On 28.03.2022, the matter was adjourned for 31.03.2022.

On 31.03.2022, the matter was adjourned for 02.04.2022.

On 02.04.2022, none was present on behalf of the promoter. The promoter was directed to attend the deficiencies before the next date of hearing. The matter is adjourned to 18.04.2022.

On 18.04.2022, on the request of the promoter, 2 weeks' time was granted for rectification of the deficit documents and confirmation of area allocation between M/s Krrish Realtech Pvt. Ltd. and M/s Brahma City Pvt Ltd from DTCP to whom an application dated 07.04.2022 has already been made and is under consideration of DTCP. The matter to come up on 02.05.2022.

On 02.05.2022, it has come to the notice of the authority that M/s Brahma City Pvt Ltd had sold plots to M/s Adani Brahma Synergy Pvt Ltd without taking registration from the authority for which penal proceedings have been initiated and also completion certificate of the said plotted colony has not been obtained till date.

The plots have been purchased through conveyance deed by Adani Brahma Synergy Pvt. Ltd. from M/s Brahma City Pvt. Ltd. whereas Brahma City Pvt. Ltd. is one of the license holders apart from others and is not a registered promoter with the Authority. The Brahma City Pvt. Ltd. has got the bifurcation of the area of the colony with M/s Krrish Realtech Pvt. Ltd. through Company Law Board. The area segregation needs to be recognized by the DTCP in respect of both the parties. The DTCP while renewing the license vide order dated 30.12.2021 has observed that since the project stands bifurcated between shareholders of the licensee company as per the agreement dated 06.08.2012, therefore, benefit under policy dated 18.02.2015 for the area being developed by each shareholder is required to be sought after clearly demarcating the part/share of each company. Now in the project there are several license holders and collaborator is M/s Brahma City Pvt. Ltd. The responsibility to develop the whole project area lies with the M/s Brahma City Pvt. Ltd. whereas as per their agreement before the Company Law Board the respective areas falling in allocation of each entity are required to be developed by the entity concerned. This may be incorporated by the DTCP in his permission/approval otherwise in case development is not done by the Krrish Realtech in his allocated area then the collaborator shall be liable for obligations under the Act, 2016. The application to this effect has already been made to DTCP and approval is still awaited. One last opportunity of hearing is granted to the promoter for rectification of deficiencies. Matter to come up on 06.06.2022.

On 06.06.2022, the AR of the company submits that the licensee and collaborator company applied for BIP permission after bifurcation of license land under Company Law Board orders and the

approval is expected in next four weeks' and accordingly request for the adjournment. The matter to come up on 04.07.2022.

On 04.07.2022, Ms. Jyoti Yadav, Planning Coordinator briefed about the facts of the project.
Sh. Gulshan Kumar (Sr. Officer Liaison), Sh. Praveen Kumar (Associate General Manager) are present on behalf of the promoter.
The promoter has not submitted any reply with reference to the deficiencies which were conveyed in the last hearing neither submitted the final approval of BIP permission in the name of M/s Brahma City Pvt Ltd.
Further the AR of the promoter Sh. Praveen Kumar requests for a short adjournment for rectification of the deficiencies as he has joined the company recently and assures that the requisite deficiencies shall be rectified in 4 weeks including submission of BIP permission which is to be obtained from DTCP by the main licensee/collaborator company.
The matter to come up on 01.08.2022.
On 01.08.2022, Ms. Geeta Rathee Singh, Sr. Legal Officer and Sh. J.S Sindhu, Executive Engineer (Monitoring) briefed about the facts of the project. Sh. Praveen Kumar (AR) and Sh. Venket Rao (Advocate) are present on behalf of the promoter. The counsel for the applicant promoter states that the license of the above colony has been renewed by DTCP and a copy shall be supplied after obtaining the same from the license holder as the applicant is only 3rd party rights holder as individual plots have been purchased through conveyance deed. On the request of the counsel for the promoter a week adjournment is granted for filing detailed submissions and also for rectifying deficiencies. The matter to come up on 08.08.2022

On 08.08.2022, Sh. J.S Sindhu, Executive Engineer (Monitoring) briefed about the facts of the project. Sh. Venket Rao (Advocate) and Sh. Praveen Kumar (AR) are present on behalf of the promoter. The Ld. Counsel along with AR of the promoter has submitted a representation today in the registry of the Authority which be examined by the office. Further Ld. Counsel is also advised to clarify the applicability of the orders of Hon'ble Supreme Court of India in SLP No. 6013 of 2022 wherein it has been directed to maintain the status quo and the details of allotted plots have been sought from the license holder as well as M/s Krrish Realtech Pvt. Ltd. – the petitioner therein. The matter to come up on 22.08.2022.

On 22.08.2022, Ms Geeta Rathee singh, Sr. L.O and Sh. J.S Sindhu, Executive engineer (Monitoring) briefed about the facts of the project.

Sh. Praveen kumar, General manager Legal (AR) and Sh. Pankaj Chandola, Proxy Counsel for Sh. Venket Rao (Advocate) are present of behalf of the promoter. The AR submits that a detailed representation in reference to status quo order of Hon'ble Apex Court in SLP no. 6013 of 2022 has been submitted on 17.08.2022 and needs to be examined by Sr. L.O. regarding applicability of said orders passed by Hon'ble Apex Court in SLP before the matter is further proceeded with. The matter came up on 12.09.2022.

On 12.09.2022 Ms. Deepika, Planning Executive and Ms. Asha, Chartered Accountant briefed about the facts of the project. Sh. Praveen Kumar (AR) is present on behalf of the promoter. The AR of the promoter was advised to rectify the deficiencies and submit the requisite documents. AR informed that BIP permission as well as other deficit documents would be submitted within 15 days. Requested for adjournment. The matter to come up on 03.10.2022.

As on today, the deficit documents are as follows:

On 03.10.2022, Ms. Deepika Planning Executive and Ms. Asha, Chartered Accountant briefed the facts of the case. Sh. Rajesh Jain, Sh. Praveen Kumar (Associate GM-Legal) and Sh. Vijay Singh are present on behalf of the promoter. The license of entire colony is in the name of M/s Brahma City Pvt. Ltd. The process for registration of this project is still not complete. The present application for registration of plots pertains to part of the area coming under the above project. The present application is to be considered only when the application for registration of the area of plotted colony is decided by the Authority. The AR of the promoter submitted that the deficit documents and the fee have been submitted and Authority may consider the application at the earliest. The matter to come up on 10.10.2022.
As on today, the deficit documents are as follows:

Order no. LC-2365(Loose)/PA(VA)/2022/2895 dated on 22.09.2022, license no. 64 of 2010 dated 21.08.2010 was granted in favour of land owner licensees in collaboration with Krrish Buildtech Pvt. Ltd. for development of Residential Plotted Colony situated in Sector- 60,61,62,63,65, Gurugram Manesar Urban Complex. At the time of submission of application for grant of license, Sh. Amit Katyal and Smt. Deepali Katyal were shareholders of the developer company, but at the tie of grant of license on 21.08.2010, Brahma Opportunities a Ltd., Sh. Amit Katyal and Krrish Infrastructure Pvt. Ltd. were shareholders in the company. The name of the company was also changed from Krrish Buildtech Pvt. Ltd. to Brahma Krrish Buildtech Pvt. Ltd.

2. The name of the licensee company was again changed from Brahma Krrish Buildtech Pvt. Ltd to Brahma City Pvt. Ltd on 17.02.2011. The share holding pattern was also changed and as per latest share holding pattern, the Brahma Opportunities A Pvt. Ltd. has 74% Class 'A' shares, whereas Krrish Infrastructure Pvt. Ltd and Sh. Amit Katyal have 26% class 'B' shares.

3. While passing orders dated 10.02.2022 in pursuance of order dated 11.11.2021 passed by Appellate Authority- cum- PSTCP in appeal no. 18 of 2017 titled as MVN Infrastructure Pvt. Ltd Vs DTCP and others, it came to the notice of the department that settlement agreement dated 06.08.2012, executed between shareholders of developer company was acknowledged by Company Law Board vide order dated 09.08.2012 for deciding the disputes between them, which has been entered into after following due legal procedures and has attained finality with the orders of CLB in the matter, the same (i) deserves to be recognized at par with the requirement for registered collaboration agreement in change of beneficial interest matters, and, (ii) obviates the need for inviting objections and suggestions prior to grant of final approval for such change in beneficial interest.

4. Accordingly, after receipt of requisite application along with administrative charges in compliance of condition no. 9 (iii) imposed in order dated 10.02.2022 and condition no. (f) of renewal order dated 30.12.2021, ex-post facto approval for change in share holding pattern of the developer company i.e. Brahma City Pvt. Ltd. is hereby granted subject to the terms and conditions.

On,11.10.2022, The matter is placed before the Authority. As per the directions of the authority, the matter is adjourned and fixed for 12.10.2022.

On, 12.10.2022, Ms. Deepika, Planning Executive briefed about the facts of the case. 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.

On 14.11.2022, 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 is partly heard and deferred to 15.11.2022.

On 15.11.2022, Ms. Deepika, Planning Executive briefed about the facts of the project. None is present on behalf of the promoter. The matter to come up on 21.11.2022.

Asha
(Chartered Accountant)

Deepika
(Planning Executive)

Day and Date of hearing	Monday and 21.11.2022
Proceeding recorded by	Ram Niwas

PROCEEDINGS OF THE DAY

Proceedings dated: 21.11.2022

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

Sh. Rajesh Jain (AR), Sh. Praveen Kumar (AR) and Sh. Vijay Singh (AR) are present on behalf of the promoter.

The matter is adjourned to 28.11.2022.

(Sanjeev Kumar Arora)
Member, HARERA, Gurugram

(Ashok Sangwan)
Member, HARERA, Gurugram

(Vijay Kumar Goyal)
Member, HARERA, Gurugram

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