Project hearing brief

SN	Particulars	Details		
1.	**Name of the project**	Greenopolis		
2.	**Location of the Project**	Sector-89, District Gurugram, Haryana		
3.	**Name of the promotor**	Orris Infrastructure Private Limited		
4.	**Nature of the project**	Group Housing		
5.	**Legal capacity**	**Collaborator**		
6.	**Name of the license holder**	M/S Radha Estates Pvt. Ltd, M/s Inscense Properties Pvt. Ltd., M/s Oscar Land & Housing Pvt. Ltd., M/s Neptune Land & Housing Pvt. Ltd., M/s Salmon Land & Housing Pvt. Ltd., M/s Acme Buildwell Pvt. Ltd., M/s Orris Land & Housing Pvt. Ltd., M/s Crazy Land & Housing Pvt. Ltd., M/s Vrtex Land & Housing Pvt. Ltd., M/s Bright Buildtech Pvt. Ltd., M/s Elegant Land & Housing Pvt. Ltd., Sh. Lal Singh S/o Sultan., Sh. Amit Gupta S/o Vijay Gupta,Sh. Aajad S/o Raja Ram, Sh. Raja Ram S/o Sh. Mangtu Ram.		
7.	**Status of project**	Ongoing		
8.	**Registration No.**	05 of 2019 dated 23.01.2019		
9.	**Validity of Registration**	Valid From	Valid up to	
		23.01.2019	30.06.2021 (Including 6 months due to Covid-19)	
10.	**Whether project is to be developed in Phase**	One go	Phases	
		X	√	
11.	**Whether extension as per section 6 have been granted.**	Yes	No	
		X	√	
12.	**Date of Application u/s 7(3)**	11.05.2022		
13.	**Period of Extension requested**	Years	Months	Days
		4	0	0
14.	**Whether registration applied for whole/ phase**	Phase-I, Phase-2, Phase-3		
15.	**Online application ID**	RERA-GRG-1116-2022		
16.	**License no.**	115 of 2011 dated 23.12.2013		Valid up to 22.12.2019
17.	**Total licensed area**	47.2180 acres	**Area to be registered**	37.2180 acres
18.	**Statutory approvals either applied for or obtained prior to registration**			
	i) License Approval	**Date of approval**	**Validity up to**	
		23.12.2013	22.12.2019	
	ii) Zoning Plan Approval	27.12.2011		
	iii) Building plan Approval	07.06.2012	06.06.2017	
	iv) Environmental Clearance	04.09.2013	03.09.2023	
	v) Service plan and estimate approval	12.04.2018		
19.	**Projected date of completion of**	30.06.2025		

	the project	
20.	**Present stage of completion for ongoing projects (%)**	16 %
21.	**Total Project cost**	Estimated total project cost Rs.104581.29 lakhs Land cost- 5622.80 Lakhs (Including in above)
22.	**Project expenditure so far**	58921.82 lakhs including land cost
23.	**Estimated expenditure for completion so far**	45659.47 lakhs
24.	**No. of Units i.e. (sold units - in case of ongoing and unsold units)**	1862 Residential Units
25.	**Detail of encumbrances**	No Encumbrance
26.	**Status of 4(2)(l)(D)**	Not Submitted
27.	**Status of QPR**	Not Submitted
28.	**Status of Documents**	1. Brief of the project details containing the history of the project needs to be provided in the online DPI. **Status:** Project brief filled in DPI. 2. Details of Land owner payout along with current outstanding status and NOC/Confirmation from land owner needs to be submitted. **Status:** Details of Land owner payout along with current outstanding status provided, NOC/ Confirmation from land owner needs to be provided. 3. A copy of renewal of license needs to be submitted. **Status**: Application and payment receipts for renewal of license provided. 4. External development charges and infrastructure development charges statement as per DTCP as on date needs to be provided. **Status:** Provided. 5. Information to the revenue department regarding entry of license in revenue record needs to be submitted. **Status:** Not Provided. 6. Details of payout to collaborator/landowner in terms of FSI/Revenue share along with current outstanding status needs to be submitted. **Status:** Not Provided. 7. Details of the real estate agent needs to be submitted. **Status:** All units sold before commencing of RERA. 8. Details of proof consultant needs to be submitted. **Status:** Provided. 9. Land title search report from the advocate having 10 years of experience needs to be submitted. **Status:** Provided. 10. Demarcation of land i.e. latitude/longitude needs to be provided in the online DPI. **Status:** Provided. 11. Details of approach roads needs to be filled in the online

		DPI. **Status:** Not Provided. 12. Non encumbrance certificate not below the rank of tehsildar needs to be submitted. **Status:** Provided 13. Affidavit for details of land dispute along with possible outcome and mitigation strategy needs to be submitted. **Status:** Not Provided. 14. Site plan/building plan needs to be revalidated. **Status:** Not Provided. 15. Assurance/approvals from various entities needs to be submitted. **Status**: Not provided. 16. Revalidation of environment clearance needs to be provided. **Status:** Provided 17. Non objection Certificate for airport height clearance needs to be submitted. **Status:** Provided. 18. Affidavit regarding non applicability of tree cutting, power line shifting etc needs to be submitted. **Status:** Not Submitted. 19. Details of PLC type to be provided if any. **Status**: Provided 20. Information of Part- D to Part-J needs to be properly filled along with annexure in the DPI. **Status:** Not submitted. 21. Deficit fees revised due to matter is sub-judice before NCLT 1,08,87,313/-needs to be paid. **Status:** Fee paid vide DD No. 519207, dated 20.09.2022, amounted to Rs. 1,08,87,313/-
29.	**Deficit Documents**	1. Brief of the project details containing the history of the project needs to be provided in the online DPI. 2. Details of Land owner payout along with current outstanding status and NOC/Confirmation from land owner needs to be submitted. 3. Copy of renewal of license needs to be submitted. 4. Information to revenue department regarding entry of license in revenue record needs to be submitted. 5. Details of payout to collaborator/landowner in terms of FSI/Revenue share along with current outstanding status needs to be submitted. 6. Details of approach roads needs to be filled in the online DPI. 7. Affidavit for details of land dispute along with possible outcome and mitigation strategy needs to be submitted. 8. Site plan/building plan needs to be revalidated. 9. Assurance/approvals from various entities needs to be submitted.

		10. Affidavit regarding non applicability of tree cutting, power line shifting etc needs to be submitted. 11. Information of Part- D to Part-J needs to be properly filled along with annexure in the DPI. 12. 4(2)(l)(D) and QPR needs to be submitted.
13.	**File Status**	**Date**
	1st Hearing on	05.07.2022
	2nd Hearing on	02.08.2022
	3nd Hearing on	09.08.2022
	4nd Hearing on	13.09.2022
	5th Hearing on	15.11.2022

Brief History of the Project

"Greenopolis" is a residential group housing project being developed by the license holders in collaboration with Orris Infrastructure Pvt. Ltd. This project is situated on the land falling in the revenue estate of village Hayatpur Badha, Sector 89, Distt. Gurugram. The total area of the licensed land is 47.218 acres and the project is taken up by the promoter only on an area of 37.218 acres leaving 10 acres to be taken up at a later stage. In the 37.218 acres, there are 29 towers and 1862 units out of which 1624 units have been sold/allotted. Orris, being one of the license-holder of the project bearing license no. 115 of 2011, is the collaborator of the project also and is responsible for executing the project. The building plans and other approvals have been granted in the name of Orris by the competent authority in the capacity of collaborator.

A registered joint development agreement was executed between M/s Orris Infrastructure Pvt. Ltd. and M/s Three C Shelters Pvt. Ltd. on 02.11.2011 for marketing and development of the project. As per this inter-se agreement, Orris engaged Three C to do the construction/development on its behalf and out of the total project, Orris agreed to give 65% of the developed area to Three C in lieu of construction and development to be made by Three C on behalf of Orris. However, this inter-se arrangement regarding marketing between Orris and Three Chas never been approved by the competent authority as Three C does not have license and cannot market the project, although there is no bar to develop and construct as an agency (contractor) of Orris. Any sale by it without license or BIP approval is illegal and is against the provision of the Haryana Development and Regulation of Urban Areas, Act, 1975.

This development agreement is against the conditions of license and warrants

withdrawal of license and initiation of legal proceedings against the license holder i.e M/s Orris Infrastructure Pvt. Ltd. by DTCP. However, Orris being the collaborator and developer, having license for sale is categorically covered under the definition of promoter as per section 2(zk)(1) of the Real Estate (Regulation and Development) Act 2016. Therefore, it is the prime duty of Orris to fulfill all the obligations of the promoter as provided under the RERA Act, 2016 and to ensure timely construction/possession of the project to the allottees. The collaborator recognized by the Department of Town & County Planning, acts on behalf of the license holder landowner on the strength of the power of attorney and an irrevocable development agreement. The joint development agreement between Three C & Orris is for the development of the project by Three C and in lieu of that Three C was allotted 65% share of the developed project against the development & cost of construction. The position of Three C is that of a contractor viz a viz Orris & the latter cannot by itself give marketing rights to Three C by a private agreement without DTCP approval. Three C has sold units to the allottees without BIP approval from DTCP but irrespective of this fact sales have been done by Three C Shelters claiming to be acting on the power of attorney (JDA)by Orris. Accordingly, Three C is also a promoter in respect of the units sold by it and Orris is jointly a promoter for such units and is jointly and severally liable for obligations done under the Act.

The project "Greenopolis" is a distressed and abandoned project which had been abandoned by Three C Shelters Pvt. Ltd. which was responsible for completing the construction of the Project. It appears that due to abandoning of the Project by Three C, litigation had ensued and which had finally reached the Hon'ble Supreme Court of India in 2021,. Meanwhile, after the Project was abandoned by Three C in 2016, there was no progress in construction thereafter.

Pursuant to the order dated 01.07.2021 passed by Hon'ble Supreme Court of India, order dated 29.03.2022 passed by Ld. National Company Law Tribunal (NCLT) and thereafter, order dated 12.04.2022 passed by the Authority, the Greenopolis Project is now being constructed under the supervision and monitoring of this Authority [HRERA, Gurugram). In order to ensure compliance of the orders of the Authority dated 12-04-2022 and earlier orders to complete the project as per the schedule committed by way of an affidavit dated 22.04.2022 by M/s Orris Infrastructure Pvt Ltd, the Authority has appointed Commissioner Investigation and Monitoring Officer (CIMO) and two supporting engineers. The work on the project, which has been held

up since long for various reasons to the detriment of the interest of around 1652 home buyers, has resumed and is expected to meet its timelines under the monitoring mechanism provided by the Authority.

(Asha)
Chartered Accountant

Day and Date of hearing	Tuesday and 15.11.2022 (5th hearing)
Proceeding recorded by	Mr. Ram Niwas

PROCEEDINGS OF THE DAY

Proceedings dated 15.11.2022

Ms. Asha, Chartered Accountant briefed about the project.

Sh. Rashendra Pathak (Manager) Naveen Sharma (GM Legal) are present on behalf of the promoter. The AR of the promoters. The AR of the promoter seeks an adjournment of one month for renewal of license which is held up due to outstanding amount of about 100 crores and the promoter has moved an application for waiver of the interest before DTCP in view of peculiar facts and circumstances of the case. The promoter is also advised to submit the compliance for submission of upto date QPRs as well as Annual Statement of Accounts.

The matter to come up on 19.12.2022.

(Sanjeev Kumar Arora)
Member, HARERA, Gurugram

(Ashok Sangwan)
Member, HARERA, Gurugram

(Vijay Kumar Goyal)
Member, HARERA, Gurugram