

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	Validity upto	
	i)	License Approval	79 of 2012 dated 17.08.2012.	16.08.2024
			11 of 2013 dated 12.03.2013.	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 clearance height	AAI/RHQ/ NR/ATM/NOC/2022/237/1002-05 dated 05.05.2022	04.05.2030
	vi)	Fire scheme approval	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	
	Fifth hearing on		06.03.2023	
20.	Case History:			
	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.

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.

The promoter has submitted the DPI and online A-H form for registration of project as a whole instead of phase applied earlier.

The promoter submitted two replies on 13.02.2023 and 15.02.2023 which are scrutinized and conveyed to the promoter.

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.

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.

On 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.

The promoter has submitted two replies on 27.02.2023 which were scrutinized and the status of documents is mentioned below:

<p>21.</p>	<p>Present compliance status as on 06.03.2023 of the deficiencies conveyed in the last hearing dated 27.02.2023.</p>	<p>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.</p> <p>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.</p>
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		<p>3 Online DPI needs to be corrected. Status: Not submitted.</p> <p>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.</p> <p>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.</p> <p>6 Mining permission needs to be submitted. Status: Submitted an undertaking to submit the mining permission before the start of construction.</p> <p>7 Cash flow statement need to be revised. Status: Submitted.</p> <p>8 Loan documents needs to be provided. Status: Submitted.</p>
22.	Remarks	<p>1 Deficit Fee – Rs 74,59,251/- - Representation regarding non-applicability submitted.</p> <p>2 The annexures in the online application are not uploaded as well as correction needs to be done in the online (A-H) application.</p> <p>3 Online DPI needs to be corrected.</p> <p>4 Fire Scheme approval needs to be submitted. If applied, then copy of the same needs to be submitted.</p> <p>5 Approved Service plan and estimates needs to be submitted. If applied, then copy of the same needs to be submitted.</p> <p>6 Mining permission needs to be submitted.</p>

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 corrections in A-H form, online DPI, fire scheme approval, approved service plan & estimates and mining permission for which the promoter has submitted the undertaking to submit the approvals in 6 months from date of registration.

It is recommended that the Authority may consider for grant of registration subject to the submission of two security cheques/BG of Rs. 25 lacs each as a security amount to submit the approved service plans and estimates, and approved fire scheme in the Authority within three months from the date of grant of



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registration along with the undertaking to submit the approvals within stipulated time failing which the security amount submitted by the promoter shall be forfeited.


Asha

Chartered Accountant



Sumeet

Engineering Officer

Day and Date of hearing

Monday and 06.03.2023

Proceeding recorded by

Ram Niwas

PROCEEDINGS OF THE DAY

Proceedings dated: 06.03.2023.

Sh. Sumeet, Engineering Officer cum Planning Coordinator and Ms. Asha, Chartered Accountant briefed about the facts of the case.

Sh. Arvinder Dhingra (AS) and Ms. Priyanka Aggarwal are present on behalf of the promoter.

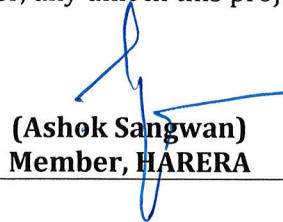
The applicant promoter has submitted a representation dated 20.02.2023 regarding late fee along with a copy of the letter issued by interim RERA bearing Memo No. HRERA/RD/2017/35/1049, dated 15.09.2017 wherein it has been clarified to the NAREDCO Haryana that promoter may register his licensed (unlaunched) projects any time in future before he intends to advertise, market, book, sell or offer for sale, or invite persons to purchase in any manner any plot, apartment or building as the case may, in any real estate project or part of it, in the planning area. The copy of the above clarification is uploaded and available on official website of T&CP Department, Haryana.

The Authority in such cases sought a clarification from AG, Haryana regarding applicability of late fee. In another such case of M/s DLF Home Developers Ltd. wherein the license has been obtained before 15.09.2017 and the building plans have been approved later on, the AG Haryana has already opined that the late fee or penalty is not leviable not only for the project of DLF but the same is advised to be true for a project for which license was taken before 01.05.2017, but no further preparation was done to develop a real estate project. Such a project would not be covered within the ambit of ongoing.

In view of the above the Authority decided to grant registration to the project subject to submission of an affidavit from the promoter to the effect that in case any future liability arises on account of late fee, the same shall be deposited on demand without demur.

The building plans of the project have been approved on 06.02.2023 wherein Directorate has granted approval to licensee in collaboration with Elan Avenue Ltd (formerly known as Airmid Developers Ltd). In view of this, the change of name of company has already been allowed by DTCP at the time of approving building plans. Accordingly, the promoter is directed to submit the formal letter issued by DTCP for change of name of the company within two months. Further the promoter shall submit the revised affidavit to the effect that the promoter has not done any advertisement, marketing, booking, selling or offer for selling or invited any person to purchase in any manner, any unit in this project prior to getting the project registered in the Authority.


(Sanjeev Kumar Arora)
Member, HARERA


(Ashok Sangwan)
Member, HARERA


(Vijay Kumar Goyal)
Member, HARERA

