

PROJECT HEARING BRIEF FOR REGISTRATION U/S 4

SNo.	Particulars	Details
1.	Name of the project	Mahira Homes 88B
2.	Name of the promotor	M/s Mahira Homes Pvt. Ltd.
3.	Nature of the project	Affordable Group Housing Project
4.	Location of the project	Revenue estates of Village Harsaru, Sector 88B, Gurugram
5.	Legal capacity to act as a promoter	Collaborator
6.	Name of the license holder (6.675 acres)	Blossom Properties Pvt. Ltd. Mendell Developers Pvt. Ltd. Vaibhav Warehousing Pvt. Ltd. Vatika Ltd. Feldon Developers Pvt. Ltd. Ignacio Developers Pvt. Ltd.
	Name of the license holder (3.4 acres)	Bacon Developers Pvt. Ltd
7.	Name of Collaborator (6.675 + 3.4 acres)	M/s Mahira Homes Pvt. Ltd.
8.	Whether registration applied for whole	Applied for registration for the whole project. (6.675 acres already registered vide no 51 of 2023 dated 03.04.2023)
9.	Status of project	New
10.	Online Application ID	RERA-GRG-1354-2023
11.	Date of completion of project as per REP-II/4(2)(l)(c)	31.12.2027
12.	QPR Compliance (If applicable)	NA
13.	4(2)(l)(d) Compliance (If applicable)	NA
14.	License no.	09 of 2022 dated 31.01.2022 Valid up to 30.01.2027 61 of 2023 dated 27.03.2023 Valid up to 26.03.2028
15.	Total licensed area	10.075 Acres Area to be registered 10.075 acres (6.675 Acres already registered vide no 51 of 2023 dated 03.04.2023)
16.	Fee details	
	Registration Fee	2.37 x 92,764.4857 x 10



		= Rs. 21,98,518/- 1.87 x 3049.7466 x 20 = Rs. 1,14,061/- 21,98,518 + 1,14,061 = Rs. 23,12,579/-	
	Processing Fee	95,814.2323 x 10 = Rs. 9,58,142/-	
	Total Fee	Rs. 32,70,721/-	
17.	Online payment	1. Rs 15,80,000/- 2. Rs 1,60,000/- Total - Rs 17,40,000/-	
	Reference no and date	718136028 dated 02.04.2023 719941847 dated 13.04.2023	
	Registration fee already paid (6.675 acres) which is to be adjusted and consider now.	Rs 15,32,156 /-	
	Processing fee paid (6.675acres) which is to be forfeited now	Rs. 6,34,799/-	
	Payment done at the time of registration (6.675 acres)	1. 10,00,000/- 2. 11,66,955/- Total - Rs. 21,66,955/-	
	DD no. and date	1. 000339 dated 11.02.2022 2. 000352 dated 11.03.2022	
	Name of the bank issuing	Axis Bank	
	Total Payment done	15,80,000+21,66,955-6,34,799 = Rs 32,72,156/-	
	Deficient amount	NIL	
18.	Statutory approvals either applied for or obtained prior to registration		
	S.No.	Particulars	Validity up to
	i)	License Approval	09 of 2022 dated 31.01.2022 30.01.2027
		61 of 2023 dated 27.03.2023	26.03.2028
	ii)	Zoning Plan Approval	DTCP 9102 dated 27.03.2023



	iii)	Building plan Approval	ZP-1547/SD(DK)/2022/12703 dated 10.05.2022	09.05.2027
		Revised building plan approval	ZP-1547/SD(DK)/2023/18804 dated 11.04.2023	10.04.2028
	iv)	Environmental Clearance	SEIAA/HR/2016/372 dated 30.05.2016	
	v)	Airport height clearance (6.675 acres)	PALM/NORTH/B/021322/65 4469 dated 21.02.2022	20.02.2030
		Airport height clearance (3.4 acres)	Not Submitted	
	vi)	Revised Fire scheme approval	Applied on 07.04.2023	
	vii)	Revised Service plan and estimate approval	Applied on 27.02.2023	
	viii)	Electricity load availability connection (6.675 acres)	Applied on 07.02.2022	
		Electricity load availability connection (3.4 acres)	Not submitted	
	19.	File Status	Date	
	Project received on	10.04.2023		
	First notice sent on	13.04.2023		
	Documents Submitted on	13.04.2023		
	First hearing on	17.04.2023		
	Documents submitted on	18.04.2023		
	Second hearing on	24.04.2023		
19.	Case history-			
	The promoter i.e., M/s Mahira Homes Pvt. Ltd. applied for registration of their affordable group housing project namely 'Mahira Homes 88B' admeasuring an area of 10.075 acres (6.675 Acres already registered with the authority vide RC no 51 of 2023) located at the revenue estate of village Harsaru, Sector- 88B, Gurugram under section 4 of Real Estate (Regulation and Development), Act 2016. This application of registration pertains to license no. 61 of 2023(in addition to license no 09 of 2022 for an area admeasuring 6.675 acres dated 31.01.2022) for an area admeasuring 3.4 acres dated 27.03.2023 valid up to 26.03.2028 granted by DTCP in favour of bacon developers Pvt. Ltd., in collaboration with m/s Mahira Homes Pvt. Ltd. The current application pertains to 1462 dwelling units and 107 commercial units being			

developed by M/s Mahira Homes Pvt Ltd. **However, 165 units of Tower A1 and A2 are mortgaged with DTCP department against the EDC & IDW payment.**

The application was scrutinized and the deficiencies along with the date of hearing were conveyed to the promoter through first deficiency notice vide no. HARERA/GGM/RPIN/602 dated 13.04.2022.

A complaint by Sh. Neeraj Chaudhary has been received in the Authority dated 13.04.2023 wherein multiple allegations has been accused on the promoter and the complainant further request to immediately cancellation of RERA registration no 51 of 2023 granted to the Mahira group company after the blacklisting order dated 09.05.2022 for various forgeries with the Department of Town & Country planning, Haryana and processing the RERA application without sanction of building plans and without completing the investigations and findings in the complaint no RERA-GRG-1852-2022. Further, the complainant prayer to pass an order to restrain the blacklisted developer/promoter from illegally advertising and launching the project in license no 09 of 2022 and 61 of 2023 in sector 88B, gurugram (6.675+3.4 acres) and further requests to pass an order of status quo to be maintained on RERA registration no 51 of 2023 during the pendency of this appeal.

Complainant further appeal to pass an order to cancel all the RERA registrations granted to the group companies of Mahira Homes Pvt. Ltd.

Proceedings dated 17.04.2023

Sh. Shashank Sharma, Associate Engineer Executive briefed about the facts of the project.

Sh. Amit Singh (AR) is present on behalf of the promoter.

The AR of the promoter stated that they have submitted a reply on 13.04.2023 which needs to be scrutinized. A copy of complaint has handed over to the AR of the promoter and DTCP has granted the additional license under Construction linked plan. The AR is directed to file reply within 2 days and the matter to come up on 24.04.2023.

Documents Submitted on 13.04.2023

- (I) The promoter has submitted the payment of Rs 1,60,000/- having online payment reference 719941847.
- (II) Forest NOC for 3.4 acres submitted (VR8-PQ1-BREK dated 11.11.2022).
- (III) Non-encumbrance submitted. (Certified by deputy registrar).
- (IV) Akshijra, mutation, Jamabandi certified on latest dates submitted.
- (V) Building plans submitted.
- (VI) Legible copy of aadhar of Mr. Satish Kumar (Director) provided.
- (VII) KYC of Project proponents provided.
- (VIII) Cash flow statement provided.
- (IX) Finance resources needs to be met the finance cost of the project corrected.
- (X) Quarterly Statement of expenditure provided.
- (XI) Undertaking regarding 10% auto deduct of EDC from separate bank account provided.
- (XII) CA certificate for expenditure incurred and to be incurred corrected.
- (XIII) Project report revised copy submitted.
- (XIV) Sale deeds submitted.
- (XV) Non-encumbrance certificate submitted (Photocopy submitted only).



(XVI) Information to revenue department submitted.

The promoter has submitted a request also to consider the DD amount which was submitted at the time of registration of the project vide RC no 51 of 2023 dated 03.04.2023 for this project also as a security amount for Fire Scheme approval, Approved service plan & estimates resp.

(DD amounting Rs 25 Lakh each via DD no 117818 and 117820 dated 15.03.2023 of Axis Bank as a security amount and undertaking to submit the Fire Scheme approval, Approved service plan & estimates resp. within 90 days from the date of grant of registration.

Documents submitted on 18.04.2023

The promoter has submitted a reply against the complaint by Sh. Neeraj Chaudhary in which promoter states that the complainant does not have any locus standi to file the present complaint and neither he is an "aggrieved person" as per the section of the Real Estate (Regulation and Development) Act, 2016 nor he is allottee/landowner with whom the company/sister concerns entered into a collaboration agreement with. Also, the complainant has not filed the present complaint in the prescribed form under Rule 28(1) of the Act, 2016.

Further, the complainant has deliberately suppressed the material facts before the Hon'ble Authority and has not paid the requisite fees as prescribed under Rule 28(1) of the Act, 2016. So, in the present complaint ought to be dismissed in limine.

After scrutiny of the para wise reply submitted by the promoter it is found that-

1. The contents of the Para (i) of complaint includes the contents of the orders dated 06.05.2022, 09.05.2022 and 17.05.2022 passed by the department of Town & Country Planning, Haryana and the above said dated orders are overruled by the order dated 21.07.2022, 26.08.2022 and 05.09.2022., In fact the orders dated 21.07.2022, 26.08.2022 have been affirmed even by the Government of Haryana which is evident from the order dated 03.02.2023 passed by the department of Town & Country Planning, Haryana.

2. For contents of Para (ii), according to promoter the complaint consists of the order dated 09.05.2022 and this order was only interim in nature. Further, the said order was with respect to M/s Mahira Infratech Pvt. Ltd (Formerly known as M/s Sai Aaina Farms Pvt. Ltd) which is an independent legal entity from M/s Mahira Homes Pvt. Ltd.

3. For contents of Para (iii), promoter states that the blacklisting orders were vacated vide orders dated 21.07.2022, 26.08.2022 and 03.02.2023 and the order dated 09.05.2022 has no bearing upon the registration of the impugned project "Mahira Homes 88B".

4. For contents of Para (iv), according to promoter the complaint is repetitive, and it is reiterated that order dated 17.05.2022 was not passed against the company i.e., M/S Mahira Homes Pvt. Ltd. and the order dated 17.05.2022 was vacated/withdrawn vide orders dated 21.07.2022, 26.08.2022 and 03.02.2023.

5. For contents of Para (v), the complaint is repetitive in nature and according to the order dated 03.02.2023, M/s Mahira Homes Pvt. Ltd. is no longer blacklisted and hence, there is no illegality in registering the impugned project by this Hon'ble Authority.

6. For contents of Para (vi), according to promoter, the FIR no 175 of 2022 registered at PS, Rajendra Park has not been registered against the company Mahira Homes Pvt. Ltd. and the same is under investigation and hence, this hon'ble authority ought not to pass any observation regarding the same so that the investigation remains uninfluenced.

7. For the contents of para (vii to xiii), according to promoter the complaint are false, frivolous and vexatious and therefore specially denied.

Submission - In view of the above, it is noted that in the order dated 17.05.2022 DTCP had blacklist the developer company i.e., Mahira Buildtech Pvt. Ltd. and czar Buildwell Pvt. Ltd., its directors, shareholders and other authorized signatory from grant of any new license under the provisions of Act 8 of 1975 in future. Accordingly, all concerned were directed not to process any application of above said company, its director and shareholders for grant of license under the Act ibid.

However, in the order dated 21.07.2022, DTCP order that the order issued regarding blacklisting the firm i.e., Czar Buildwell Pvt. Ltd. and Mahira Buildtech Pvt. Ltd on dated 17.05.2022 shall stand withdrawn and in the order dated 26.08.2022, the colonizer was allowed to raise the demand as per the original payment plan in their ready launched projects. Further DTCP had passed the order dated 03.02.2023 which is reproduced as below:-

DTCP vide order dated 17.05.2022 had blacklisted the directors of the Mahira Homes Pvt. Ltd. & Czar Buildwell Pvt. Ltd. alongwith its shareholders and authorized signatories, Subsequently, the order of blacklisting dated 17.05.2022 was withdrawn vide order dated 21.07.2022, which was amended vide order dated 26.08.2022.

Keeping in view the importance of the events involved in the case, the matter was subsequently submitted for information and concurrence of the government.

The matter has accordingly been considered afresh at the level of the government for its concurrence.

The withdrawal of blacklisting orders as conveyed vide orders dated 21.07.2022 & 26.08.2022 are accordingly hereby affirmed.

Further, the order of blacklisting was done by DTCP for grant of any new license. However, considering all facts as deemed appropriate by DTCP, the new license no 61 of 2023 dated 27.03.2023 valid up to 26.03.2028 has been issued in favour of Bacon Developers Pvt. Ltd. in collaboration with M/s Mahira Homes Pvt. Ltd. Now, after that the promoter had applied for the registration of the above-mentioned project.

20.	Present compliance status as on 24.04.2023 of deficient documents against the deficiency notice issued dated 17.04.2023.	1. Deficit fees of Rs 1,58,565/- needs to be submitted. Status - The promoter has submitted the payment of Rs 1,60,000/- having online payment reference no 719941847. 2. Correction in REP-I (A-H) form needs to be done. Status - Submitted but needs to be revised. 3. Correction in online DPI needs to be done. Status - Submitted but needs to be revised. 4. Airport height clearance for 3.4 acres needs to be
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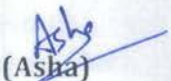
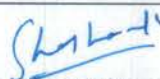


	submitted. Status - Promoter has applied for Airport height clearance for 10.075 acres. (6.675 acres submitted) 5. Approved fire scheme plans along with sanction letter need to be submitted. Status - Promoter has applied for fire scheme for 10.075 acres dated 07.04.2023 and submitted an undertaking to submit this within 90 days from the date of issuance of registration certificate. 6. Approved service plans and estimates needs to be submitted. Status - Promoter has applied for revised service plan and estimates for 10.075 acres dated 27.02.2023 and submitted an undertaking to submit this within 90 days from the date of issuance of registration certificate. 7. Forest NOC for 3.4 acres needs to be submitted. Status - Submitted 8. Electrical load availability connection needs to be submitted. Status-The promoter has submitted an undertaking to submit the electrical load availability connection within 90 days from the date of grant of registration. 9. HUDA construction water NOC needs to be submitted. Status-The promoter has submitted an undertaking to submit the HUDA construction NOC within 90 days from the date of grant of registration. 10. Sewerage connection NOC needs to be submitted. Status-The promoter has submitted an undertaking to submit the HUDA construction NOC within 90 days from the date of grant of registration 11. Storm water NOC needs to be submitted. submitted Status -The promoter has an undertaking to submit the storm water NOC within 90 days from the date of grant of registration. 12. Water supply NOC needs to be submitted. Status -The promoter has submitted an undertaking to submit the water supply NOC within 90 days from the date of grant of registration. 13. A complete set of approved building plans needs to be submitted.
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		Status – Not Submitted 14. Information regarding entry into revenue department needs to be submitted. Status – Promoter has submitted a letter to Dc, Gurugram, dated 12.04.2023 to update the land status in record 15. Non encumbrance certificate needs to be submitted. Status – Submitted (Certified by sub registrar). 16. Akshijra, mutation, Jamabandi needs to be certified on latest dates. Status - Submitted 17. Legible copy of aadhar of Mr. Satish Kumar (Director) needs to be provided. Status - Submitted 18. KYC of Project proponents needs to be provided. Status - Submitted 19. Cash flow statement needs to be provided. Status - Submitted 20. Finance resources needs to be met the finance cost of the project. Needs to be corrected. Status – Submitted. 21. Quarterly Statement of expenditure needs to be provided. Status - Submitted. 22. Net cash flow statement needs to be provided. Status - Submitted. 23. Undertaking regarding 10% auto deduct of EDC from separate bank account needs to be provided. Status - Submitted. 24. Quarterly statement of expenditure needs to be provided. Status - Submitted. 25. CA certificate for expenditure incurred and to be incurred needs to be corrected. Status - Submitted. 26. Project report needs to be revised. Status - Submitted. 27. Sales deed needs to be provided. Status - Submitted.
21.	Remarks	1. Correction in REP-I (A-H) form needs to be done.



	2. Correction in online DPI needs to be done. 3. Airport height clearance for 3.4 acres needs to be submitted. {Promoter has applied for Airport height clearance for 10.075 acres. (6.675 acres already submitted)} 4. Approved fire scheme plans along with sanction letter need to be submitted. (Promoter has applied for fire scheme for 10.075 acres dated 07.04.2023 and submitted an undertaking to submit this within 90 days from the date of issuance of registration certificate) 5. Approved service plans and estimates needs to be submitted. (Promoter has applied for revised service plan and estimates for 10.075 acres dated 27.02.2023 and submitted an undertaking to submit this within 90 days from the date of issuance of registration certificate) 6. Electrical load availability connection needs to be submitted. (The promoter has submitted an undertaking to submit the electrical load availability connection within 90 days from the date of grant of registration.) 7. HUDA construction water NOC needs to be submitted. (The promoter has submitted an undertaking to submit the HUDA construction NOC within 90 days from the date of grant of registration.) 8. Sewerage connection NOC needs to be submitted. (The promoter has submitted an undertaking to submit the HUDA construction NOC within 90 days from the date of grant of registration) 9. Storm water NOC needs to be submitted. (The promoter has submitted an undertaking to submit the storm water NOC within 90 days from the date of grant of registration.) 10. Water supply NOC needs to be submitted. (The promoter has submitted an undertaking to submit the water supply NOC within 90 days from the date of grant of registration) 11. A complete set of approved building plans needs to be submitted. 12. Information regarding entry into revenue department
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		needs to be submitted.
 (Asha) Chartered Accountant		 (Shashank Sharma) Associate Engineer Executive

Day and Date of hearing	Thursday and 24.04.2023
Proceeding recorded by	Sh. Ram Niwas

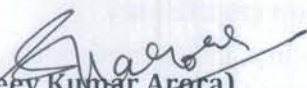
PROCEEDINGS OF THE DAY

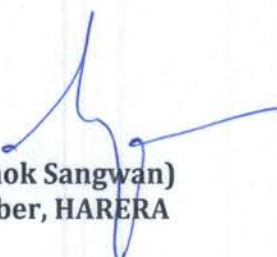
Proceedings dated 24.04.2023

Sh. Shashank Sharma, Associate Engineer Executive briefed about the facts of the project.

None is present on behalf of the promoter. A request for adjournment for one week has been received from the applicant.

The matter to come up on 01.05.2023.


(Sanjeev Kumar Arora)
Member, HARERA


(Ashok Sangwan)
Member, HARERA


(Vijay Kumar Goyal)
Member, HARERA