



New PWD Rest House, Civil Lines, Gurugram, Haryana नया पी.डब्ल्यू.डी. विश्राम गृह, सिविल लाईंस, गुरुग्राम हरियाणा

Project Orchid Ivy- 2
Promoter M/s Orchid Infrastructure Developers Pvt. Ltd.

HEARING BRIEF FOR PROJECT REGISTRATION U/S 4 OF THE ACT, 2016

SNo.	Particulars	Details		
1.	Name of the project	Orchid Ivy- 2		
2.	Name of the promoter	M/s Orchid Infrastructure Developers Pvt. Ltd.		
3.	Nature of the project	Independent residential Floors		
4.	Location of the project	M-Block, Mayfield Gardens, Sector-51, Gurugram		
5.	Legal capacity to act as a promoter	Court decree holder		
6.	Name of the license holder	M/s Sheetal international Pvt. Ltd. and others		
7.	Whether registration applied for whole	Whole		
8.	Status of project	New		
9.	Temp. ID	RERA- GRG- PROJ- 1141- 2022		
10.	Date of completion declared u/s 4(2)(I)(c)	31.12.2026		
11.	QPR complaince	N/A		
12.	4(2)(I)(D) compliance	N/A		
13.	Fee calculation	<p><u>Registration fee</u> (6940.344 * 2.64 * 10) + (4233.456 x 2.4 x 10) = Rs. 2,84,828/-</p> <p><u>Processing fee</u> 11173.8 * 10 =Rs. 1,11,738/-</p> <p>Total = Rs. 3,96,566/-</p> <p><u>Paid by the promoter</u> = Rs. 4,01,000/-</p> <table border="1"><tr><td>Deficit fee</td><td>Nil</td></tr></table>	Deficit fee	Nil
Deficit fee	Nil			

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 अंतर्गत गठित प्राधिकरण
भारत की संसद द्वारा पारित 2016 का अधिनियम संख्यांक 16

14.	License no.	103 Of 2022	Valid up to 27.07.2027
15.	Total licensed area	327.73 Acres	Area to be registered 1.0854 Acres
16.	Statutory approvals either applied for or obtained prior to registration		
	S.No	Particulars	Date of approval Validity up to
	i)	License Approval	N/A
	ii)	Zoning Plan Approval	24.09.2009
	iii)	Layout plan Approval	24.10.2017
	iv)	Environmental Clearance	N/A
	v)	Airport height clearance	N/A
	vi)	Fire scheme approval	N/A
	vii)	Service plan and estimate approval	N/A
17.	File Status	Date	
	Project received on	08.09.2022	
	First notice sent on	3.09.2022	
	First reply submitted on	28.09.2022	
	First hearing on	03.10.2022	
18.	No. of Units i.e. (sold units - in case of ongoing and unsold units)	Unsold unit:- 72	
19.	Status of documents	<p>1. Online corrections in REP-I (Part A-H) needs to be done. Documents to be uploaded need to be provided in soft copy less than 5 mb in size. Status: - Submitted</p> <p>2. Corrections marked on the hard copy of online DPI need to be done. Status: - Submitted</p> <p>3. CA certificate for non-default in payment needs to be revised. Status: Submitted</p> <p>4. KYC of director (Dhruv Gupta and Rajesh Tuteja) needs to be provided. Status: Submitted</p>	

		<p>5. Non encumbrance certificate not below the rank of tehsildar needs to be submitted.</p> <p>Status: - No loan affidavit certified by CA is submitted</p>
20.	Deficit documents	<p>1. Cost of the land needs to be clarified according to the area applied for the registration.</p>
<p>Case history-</p> <p>The promoter, i.e., M/s Orchid Infrastructure Developers Pvt. Ltd. has applied on dated 08.09.2022 for registration of independent registration floors namely "Orchid Ivy- 2" located at Sector 51, Gurugram, under section 4 of Real Estate (Regulation and Development), Act 2016.</p> <p>This application is for project land admeasuring an area of 1.085 acres for which the legal capacity of the applicant is by the virtue of suit for declaration with consequential relief of permanent injunction through court decree dated 12.04.2022. The current project comprises of 72 independent residential floors on 18 plots.</p> <p>On scrutiny of the application, it was found that there were deficiencies in the application which were conveyed to the promoter and an opportunity of hearing is provided to the promoter on 03.10.2022.</p> <p>Proceedings dated 03.10.2022:</p> <p>Ar. Neeraj Gautam, Associate Architectural Executive and Ms. Asha, Chartered Accountant briefed the facts of the case. Sh. Dhruv Gupta, Sh. Ajay Goel (Director), Sh. Arun Nijhawan (Director) and Sh. Keshav Gupta are present on behalf of the promoter. The legal capacity papers as have been submitted earlier needs to be perused by the Members. The matter to come up on 10.10.2022. On 10.10.2022, the matter was adjourned to 12.10.2022.</p> <p>Proceedings dated 12.10.2022</p> <p>Ms. Prachi Singh, 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 matter was considered, and it was decided to adjourn the same for 14.11.2022. Matter to come up on 14.11.2022.</p> <p>Proceedings dated 14.11.2022</p> <p>Ms. Prachi Singh, Planning Executive briefed about the facts of the project. Sh. Dhruv Gupta (Managing Director) Sh. Ajay Goel (Director), Sh. Arun Nijhawan (Sr. VP) and Sh. Keshav Gupta (Legal Associate) are present on behalf of the promoter. The AR submits that after removing deficiencies, the requisite documents and DPI stands submitted in the Authority on 03.10.2022 but the concerned Planning Executive is not aware about the same who is directed to link up and put up the matter within three days along with details of any deficit document which still remains to be supplied. The matter to come up on 21.11.2022.</p>		

The promoter has submitted the reply dated 18.11.2022 which was scrutinized and still the following document is pending which is as follows: -

1. Cost of the land needs to be clarified according to the area applied for the registration- A CA certificate dated 31.07.2022 to justify cost of land is submitted by the promoter.

Recommendations: -

All the deficiencies have been removed by the promoter. The authority may grant the registration certificate. Recommended for grant of registration certification.

Asha
(Asha)

Chartered Accountant

PRACHI SINGH
Prachi Singh
(Prachi Singh) IVE

Planning Executive

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

PROCEEDINGS OF THE DAY

Proceedings dated: 21.11.2022.

Ms. Prachi Singh, Planning Executive briefed about the facts of the case.

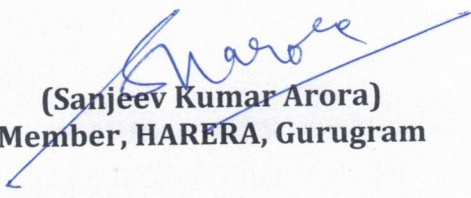
Sh. Dhruv Gupta (Managing Director) Sh. Ajay Goel (Director), Sh. Arun Nijhawan (Sr. VP) and Sh. Keshav Gupta (Legal Associate) are present on behalf of the promoter.

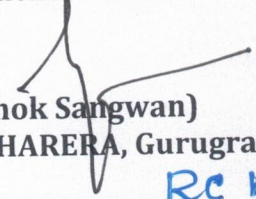
The AR submits that the building plans of the proposed floors have been duly approved by the concerned DTP after the same being in conformity with the approved zoning plan and license conditions etc. The ownership of these plots has been obtained by the promoter through a court decree and a declaration to this effect shall be communicated to each prospective buyer through scheme brochure as well as BBA. The issue of deriving ownership through decree was referred to the Addl. AG Haryana and after enquiry the same he states that: -

There is a declaratory decree in favour of the applicant to the effect that it is owner of the plots and has all legal rights to develop, promote, sell and do such other acts relating to a real estate project. Such a decree having been passed by the competent court is valid and has to be given effect, unless it is set aside by the competent court. Suffice to mention that there is no difference between the decree of court obtained by contesting a suit or settling the suit.

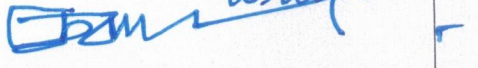
When such a distinction has not been carved out under the code of Civil Procedure, there is no point for the authority to delve into said aspect while considering the registration of the project. At the time of registration, the promoter has to show that it has valid legal title and once it is being proved by way of decree, there cannot be any inquiry into the validity of the decree by the authority. Thus, it is opined that the legal title of the applicant stands duly proved by way of decree passed by the competent authority passed on the basis of settlement agreement.

He categorically advised to consider registration of the project in the interest of allottees and also clarified that legal title of the applicant stands duly proved by way of decree passed by the competent court. The Authority decides to grant registration as recommended above.


(Sanjeev Kumar Arora)
Member, HARERA, Gurugram


(Ashok Sangwan)
Member, HARERA, Gurugram


(Vijay Kumar Goyal)
Member, HARERA, Gurugram


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

RC to be prepared
as above.