

Project hearing brief

S.No	Particulars	Details		
1.	Name of the project	Emerald Hills- Phase 2		
2.	Name of the promoter	M/s Emaar India Ltd.		
3.	Nature of the project	Residential Plotted Colony		
4.	Location of the project	Sector 62 & 65, Badshahpur, Maidawas, Nangli Umarpur, Gurugram		
5.	Legal capacity to act as a promoter	Collaborator		
6.	Status of project	New		
7.	Whether registration applied for whole/Phase	Phase		
8.	Phase no. (If applicable)	2 (Total phase 3)		
9.	Online application ID	RERA-GRG-1342-2023		
10.	License no.	10 of 2009 dated 21.05.2009 113 of 2011 dated 21.12.2011 117 of 2022 dated 12.08.2022	Valid upto 20.05.2024 Valid upto 20.12.2024 Valid upto 11.08.2027	
11.	Total licensed area	177.8625 Acres	Area to be registered 50.46 Acres(0.15 Acres added after scrutiny which was found to be registrable) Total Area for phase 2 - 50.61 Acres	
12.	Project completion date as declared u/s 4(2)(I)(C)	10.08.2027		
13.	QPR Compliance (If applicable)	N/A		
14.	4(2)(I)(D) Compliance (If applicable)	N/A		
15.	Statutory approvals either applied for or obtained prior to registration			
	S.No	Particulars	Date of approval	Validity up to
	i)	License Approval	10 of 2009 dated 21.05.2009 113 of 2011 dated 21.12.2011 117 of 2022 dated 12.08.2022	Valid upto 20.05.2024 Valid upto 20.12.2024 Valid upto 11.08.2027
	ii)	Zoning Plan Approval (Revised)	Provided	



	iii) Layout plan Approval (Revised)	Provided	
	iv) Environmental Clearance	05.01.2015	04.01.2025
	v) Service plan and estimate approval	Not submitted (Applied on 13.10.2022)	
16.	Fee Details as per revised area of 50.61 Acres		
	A) Registration fee for plotted area	Residential (49.462 x 4046.86 x 10)= ₹ 20,01,658/- Commercial (1.148 x 4046.86 x 20)= ₹ 92,916/-	
	B) Processing Fee	50.61 x 4046.86 x 10= ₹ 20,48,116/-	
	Late fee from October 2018 to 31.03.2023 (9 half years- 50*9= 450%)	The total area is 50.61 acres from which on 35.2162 acres the late fees is liable to be paid by the promoter as there are 3 licenses (10 of 2009 dated 21.05.2009, 113 of 2011 dated 21.12.2011 and 117 of 2022 dated 12.08.2022) from which one license (117 of 2022 dated 12.08.2022) having area of 15.3937 acres.	
	Registration Fee on the area late fee is liable	Residential (35.2163 x 4046.86 x 10)= ₹ 14,25,154/-	
	C) Late fee from October 2018 to 31.03.2023 (9 half years- 50*9= 450%)	14,25,154/-*450%= ₹ 64,13,193/-	
	Total Fee (A+B+C)	₹ 1,05,55,883/-	
17.	DD Details		
	DD No. and Date	DD no. 298169 dated 16.03.2023 DD no. 298408 dated 19.04.2023 DD no. 298457 dated 27.04.2023 DD no. 298458 dated 27.04.2023 DD no. 298470 dated 28.04.2023	
	Fees Paid	₹ 32,21,000/- ₹ 9,10,000/- ₹ 63,85,878/- ₹ 12,200/- ₹ 27,400/-	
	Deficit fee	N/A	
18.	File Status		
	File received on	Date 31.03.2023	
	First notice Sent on	13.04.2023	



	1 st hearing on	17.04.2023
	2 nd hearing on	24.04.2023
	3 rd hearing on	01.05.2023
	4 th hearing on	08.05.2023
19.	Case History: - <p>The promoter M/s Emaar India Ltd. who is a Collaborator applied for the registration of real estate project namely "Emerald Hills- Phase 2" Sector 62 & 65, Badshahpur, Maidawas, Nangli Umarpur, Gurugram under section 4 of Real Estate (Regulation and Development), Act 2016 vide 23489/51030 31.03.2023 and RPIN-601. The Temp I.D. of REP - I (Part A-H) is RERA -GRG-1342-2023. The project area for registration is same as that of the licensed area i.e., 50.61 acres. License no - 10 of 2009 dated 21.05.2009 valid upto 20.05.2024, 113 of 2011 dated 21.12.2015 valid upto 20.12.2024 and 117 of 2022 dated 12.08.2022. The application for registration was scrutinized and 1st deficiency notice vide notice no. HARERA/GGM/RPIN/601 dated 13.04.2023 was issued to the promoter with an opportunity of being heard on 17.04.2023.</p> <p>On 17.04.2023, Ms. Deepika, Planning Executive and Mrs. Asha, Chartered Accountant briefed about the facts of the project. Ms. Praneti Agarwal (CA) and Ms. Pallavi Sharma (Advocate) are present on behalf of the promoter. The AR of the promoter requests for one week time for submission of the deficit documents. The matter to come up on 24.04.2023.</p> <p>On 16.04.2023, the Public notice is published regarding objections from allottees of phase- 1 due to revision in layout and zoning plan of residential plotted colony. Published in 'danik Bhaskar'- In Hindi and 'The Sunday tribune'- In English.</p> <p>On 20.04.2023, the reply is submitted in which deficit documents as well as representation of as to why the late fees should not be imposed, for registration of un-registered area, in this the approved layout depicts the planning of total area admeasuring 177.8605 acres out of which the project/phase developed on the area admeasuring 71.039 acres was completed before the commencement of the act accordingly the registration of the same was not required under the provision of the Act. Therefore, the late fees should not be calculated on the area which is not liable to be registered under the RERA, 2016. Further the project/ phase developed on the area admeasuring 55.962 acres already registered in the Authority vide Registration np. 162 of 2017 dated 29.08.2017, as the registration was obtained in 2017 and hence according to the promoter there is no question of imposing the late fees for registration on the said phase. Furthermore it is also submitted that neither the promoter company started any development work nor we have booked/ marketed/sold any unit in the project/ phase (Emerald Hills- Phase 2) which is being proposed for the registration, to be developed on the land admeasuring 50.61 acres. For the same undertaking is also submitted.</p> <p>The Authority has identified that the area admeasuring 71.039 Acres was developed before the commencement of RERA, but the part completion certificate of the same is not obtained till date</p>	



and hence the Promoter is advised to register the area. In this respect the promoter has submitted that we have not obtained the registration for the area admeasuring 71.039 Acres being the fact that the project was out of the purview of RERA, 2016 as the project was developed in all respect and all services were developed and functional before the commencement of the Act and we had applied for the completion certificate dated 30th Jan, 2014 for the said area in the prescribed form (LC VIII) as per the rule 16(1) of the Haryana Development and Regulation of Urban Area Rules, 1976 along with the plan depicting the completion of the said area.

the relevant provisions of the Act:

Section 3. Prior registration of real estate project with Real Estate Regulatory Authority.

3. (1) No promoter shall 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 be, in any real estate project or part of it, in any planning area, without registering the real estate project with the Real Estate Regulatory Authority established under this Act:

Provided that projects that are ongoing on the date of commencement of this Act and for which the completion certificate has not been issued, the promoter shall make an application to the Authority for registration of the said project within a period of three months from the date of commencement of this Act:

Rules 2(1)(o) of The Haryana Real Estate (Regulation and Development) Rules, 2017 reads as under:

"On going project" means a project for which a license was issued for the development under the Haryana Development and Regulation of Urban Area Act, 1975 on or before the 1st May, 2017 and where development works were yet to be completed on the said date, but does not include:

(i) any project for which after completion of development works, an application under Rule 16 of the Haryana Development and Regulation of Urban Area Rules, 1976 or under sub code 4.10 of the Haryana Building Code 2017, as the case may be, is made to the Competent Authority on or before publication of these rules and

(ii) that part of any project for which part completion/completion, occupation certificate or part thereof has been granted on or before publication of these rules.

It is submitted that the project developed on the area admeasuring 71.039 Acres was out of the purview of RERA as the development of the project/phase was completed in all respect before the commencement of the Act and it also does not come under the definition of Ongoing Project and on commencement of the Act only the project which comes under the definition of Ongoing project were required the registration. As promoter after completion of the project, had applied

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



for the completion certificate on or before the commencement of the Haryana Real Estate Regulations and Development Rules, 2017 it does not cover under the definition of ongoing project accordingly, the registration of said project is not required.

Furthermore, on the fact that after development of the project including all services and facilities thereof, Promoter had issued self - certification to the individual owners of the plot which proves the development of all services of the project and based on the self- certification, individual plot owners could develop their individual villas/houses. Moreover, the Promoter also could develop the residential units on some plots of the said project and competent authority after certifying the completion of all services and completion of residential units in the project/phase issued occupancy certificates. It is emphasized that without development of the project it was not possible for the Promoter to construct the residential units and obtain the occupancy certificate. The public order in this respect issued by Department of Director General, Town and Country Planning, Haryana, Chandigarh dated 01.07.2015, which indicates the self- certification process, few self-certificates issued by the Architect for approval of proposed building plans to the individual owners, and some occupancy certificates issued by District Town Planner, Gurugram issued in favour Emaar MGF Land Limited and same is submitted by the promoter in this respect.

On 24.04.2023, Ms. Deepika, Planning Executive and Mrs. Asha, Chartered Accountant briefed about the facts of the project. Ms. Praneti Agarwal (CA) and Ms. Pallavi Sharma (Advocate) are present on behalf of the promoter. The deficiencies have been conveyed. Reply has been received on 20.04.2023 and is being examined. The deficit fee (Excluding late fees) of Rs. 9,09,550/- has been deposited in respect of the Phase-2 applied for registration. The AR assures to make the payment of the late fee for phase-2 and along with submission of the deficient documents within two days. A representation in respect of non-levy of late fee in respect of Phase-3 has been submitted as the said Phase was developed and part CC applied before commencement of the Rules and hence the same to be examined and put up on file for decision in the matter. The AR request for early hearing. The matter to come up on 01.05.2023.

On 24.04.2023, Authority in hearing decided to ask the promoter to pay the late fees levied on 50.61 Acres for the same promoter was asked to demarcate the latest license area on the layout plan which is admeasuring area of 15.3937 acres and was submitted on 26.04.2023 further the late fees come out to be Rs. 64,13,193/- on land area 35.2163 Acres which is need to be paid by the promoter.

At the time of late fees was calculated it came to the notice that some area in the layout plan admeasuring area of 0.15 acres is left out which is meant to be registrable in the Authority and



it is a part of a new license (117 of 2022 dated 12.08.2022). For the same the promoter may advise to register the left out area.

On 01.05.2023, Due to administrative work (meeting of the Authority at Panchkula), the matter is adjourned to 08.05.2023.

20. **Present compliance status as on 08.05.2023 of deficient documents as observed on last hearing i.e. 01.05.2023.**

1. Deficit Fee - ₹ 9,09,550/- needs to be submitted. However after registration and processing fee the late fees cannot be determined as there are 3 licenses 10 of 2009, 113 of 2011 and 117 of 2022 out of which two of them are issued before 2017 and also the area under these licenses cannot be determined that on how much area the late fees should be imposed as well as at the time of issuance of old layout plan the area was planned but not registered by the Authority. So the promoter is advised to clarify as why the late fees should not be imposed for the registration of the unregistered area.
Status: Deficit fees of ₹ 9,10,000/- submitted and for late fees on the unregistered area is yet to be determined for the same representation is under examination in the Authority.
2. It is also noticed that in the approved layout plan which was issued by the DTCP in 2011 the planning was there in the area which is needs to be registered as phase-2 for the same late fees will be imposed.
Status: Submitted
3. It is noted that 71.039 acres was developed by the promoter before RERA came into existence but the part Completion Certificate is not obtained till date and hence promoter is advised to register the area left out after the registration of phase 1 (area measuring 55.962 acres).
Status: Representation for the same is submitted and it is under examination.
4. 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
5. Corrections marked on the hard copy of online DPI need to be done.
Status: Submitted
6. As layout and zoning plan is revised undertaking needs to be submitted stating that there is no change in the planning or two-third consent for the same needs to be submitted.

Status: **Undertaking Submitted and also publication for the same is given in newspaper on 16.04.2023.**

7. Copy of approved Service plans and estimates needs to be submitted.

Status: Not Submitted, applied in GMDA on 13.10.2022.

8. Copy of super imposed demarcation plan on the approved layout plan needs to be submitted.

Status: **Submitted**

9. PERT chart/ Project progress chart needs to be submitted.

Status: **Submitted**

10. Documents relating to the entry of license and collaboration agreement in the revenue record needs to be submitted.

Status: **Submitted**

11. It is noted that in Collaboration agreement marketing rights to developer is not mentioned same needs to be clarified.

Status: **In this respect board resolutions executed on the letter head of landowners, which depicts that the promoter has marketing rights including execution of the agreements, conveyance deeds, rectification deeds, supplementary deeds, etc. but marketing rights in collaboration agreement is not mentioned.**

12. Revised Application form, Allotment letter, builder buyer agreement, conveyance deed and Payment receipt need to be submitted in prescribed format.

Status: **Submitted.**

13. CA certificate for expenditure incurred needs to be revised.

Status: **Submitted**

14. TAN of the promoter needs to be submitted.

Status: **Submitted**

15. CA certificate for non-default needs to be updated.

Status: **Submitted**

16. Cash flow statement needs to be corrected.

Status: **Submitted**

17. Bank undertaking needs to be provided in prescribed format.

Status: **Submitted**

18. Project report needs to be submitted.

Status: **Submitted**

19. CHG form needs to be provided.

Status: **Affidavit cum undertaking submitted.**

(A)

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		<p>20. Loan document along with disbursement and repayment schedule needs to be provided. Status: Submitted</p> <p>21. Copy of paid challan of EDC, IDC and License fee needs to be submitted. Status: Submitted</p> <p>22. Quarterly statement of expenditure needs to be provided. Status: Submitted</p> <p>23. Affidavit of 10% auto deduct of EDC from separate account needs to be provided. Status: Submitted</p> <p>24. Financial resources need to be corrected. Status: Submitted</p> <p>25. Rate of EDC, IDC, conversion charges and Licenses fee needs to be filled as per LOI. Status: Submitted</p> <p>26. Land cost needs to be clarified as per area apply for registration. Status: Submitted</p> <p>27. CA certificate for REP 1 needs to be provided. Status: Submitted</p> <p>28. Affidavit for REP II needs to be provided. Status: Submitted</p> <p>29. Draft Brochure for the project needs to be submitted. Status: Undertaking submitted</p> <p>30. Draft Advertisement document needs to be submitted. Status: Undertaking submitted</p>
21.	Remarks	<p>1. After registration and processing fee the late fees cannot be determined as there are 3 licenses 10 of 2009, 113 of 2011 and 117 of 2022 out of which two of them are issued before 2017 and also the area under these licenses cannot be determined that on how much area the late fees should be imposed as well as at the time of issuance of old layout plan the area was planned but not registered by the Authority. So the promoter is advised to clarify as why the late fees should not be imposed for the registration of the unregistered area.</p> <p>2. It is noted that 71.039 acres was developed by the promoter before RERA came into existence but the part Completion Certificate is not obtained till date and hence promoter is advised to register the area left out after the registration of phase 1 (area measuring 55.962 acres).</p>



3. The annexures in the online application are not uploaded as well as correction needs to be done in the online (A-H) application.
4. Copy of approved Service plans and estimates needs to be submitted.

Recommendation:- The Area of the project is 177.8625 acres from which 55.962 acres is already registered as phase 1, present application for registration is 50.61 acres which is named as phase 2 and the 71.039 acres is left out area which is completed before commencement of the act and named as phase 3 for which part Completion Certificate is applied on 30th January 2014. The current application all the approvals have been submitted except approved Service plan and estimated and for the same promoter may be directed to submit bank guarantee of Rs. 25 lakhs. 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 the corrections in online DPI, correction in online (A-H) form and Approved Service Plan & Estimates.

The promoter may be advised to submit BG/ DD amounting Rs. 25 lakhs as a security amount to submit the Service Plan and Estimates approval within 3 months from the date of issuance of registration certificate.

It is recommended that the Authority may consider the grant of registration subject to submission of above.

Asha
(Asha)

Chartered Accountant

Deepika
EO/PC

Deepika
(Deepika)

Planning Executive

Day and Date of hearing

Monday and 08.05.2023

Proceeding recorded by

Ram Niwas

PROCEEDINGS OF THE DAY

Proceedings dated: 08.05.2023

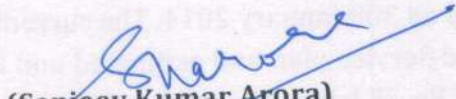
Ms. Deepika, Planning Executive and Mrs. Asha, Chartered Accountant briefed about the facts of the project.

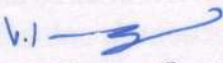
Sh. Himanshu Goyal (CA) and Praneti Agarwal (CA) are present on behalf of the promoter.

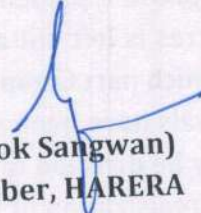
Approved as proposed, subject to the submission of BG/ DD amounting Rs. 25 lakhs as a security amount to submit the Service Plan and Estimates approval within 3 months from the date of issuance of registration certificate.

Further, regarding area measuring 71.039 acres the Authority decided to take up the matter separately for which part Completion Certificate is applied on 30.01.2014. In this regard the promoter stated that as per rule 2(o), the area measuring 71.039 acres is exempted from on-going projects as the CC is applied before 01.05.2017 and also at the time of registration of Phase-1 in interim Authority,

Panchkula promoter stated that the area measuring 71.039 acres for which they have already applied for CC on 30.01.2014 was exempted from registration. The promoter is directed to submit an undertaking with regard to the area for which CC is already applied on 30.01.2014 to the extent that if any liability arises for registration of the same, the promoter shall abide by the same and will submit the fees applicable including late fees. A letter be issued to DTCP regarding the present status of application dated 30.01.2014 submitted by the promoter for grant of part CC for an area admeasuring 71.039 acres for further proceeding in this matter.


(Sanjeev Kumar Arora)
Member, HARERA

v./ 
(Vijay Kumar Goyal)
Member, HARERA


(Ashok Sangwan)
Member, HARERA


(Arun Kumar Gupta)
Chairman, HARERA