



Hearing brief for Project registration u/s 4

| S.No. | Particulars | Details | | |
|-------|--|--|--|---------------|
| 1. | Name of the project | Good Earth Sixty 9 | | |
| 2. | Name of the promoter | Sirur Developers LLP (earlier known as Sirur Developers Pvt. Ltd.) | | |
| 3. | Nature of the project | Commercial Colony | | |
| 4. | Location of the project | Sector- 69, Gurugram | | |
| 5. | Legal capacity to act as a promoter | License Holder | | |
| 6. | Name of the license holder | Sirur Developers LLP (earlier known as Sirur Developers Pvt. Ltd.) | | |
| 7. | Name of the Change of Developer | Sirur Developers LLP (earlier known as Sirur Developers Pvt. Ltd.) | | |
| 8. | Status of project | Ongoing | | |
| 9. | Whether registration applied for whole | Whole | | |
| | Nature of the phase | N/A | | |
| | Phase no. | N/A | | |
| 10. | Online application ID | RERA-GRG-PROJ-1276-2023 | | |
| 11. | License no. | 132 of 2008 dated 28.06.2008 | valid upto 27.06.2023. | |
| 12. | Total licensed area | 2 acres | Area to be registered 2 acres | |
| | | | | |
| 13. | Projected completion date | 30.06.2024 | | |
| 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 | Date of approval | Validity upto |
| | i) | License Approval | 132 of 2008 dated 28.06.2008 | 27.06.2023 |
| | ii) | Revised Zoning Plan Approval | DTCP- 5890 dated 26.05.2017 | - |
| | iii) | Building plan Approval | ZP-1028/AD(RA)/2018/19290 dated 27.06.2018 | 26.06.2023 |
| | iv) | Environmental Clearance | SEIAA/HR/2018/1101 dated 20.08.2018 | 19.08.2028 |
| | v) | Airport height clearance | PALM/NORTH/B/010516/45041 dated 05.01.2016 | |
| | vi) | Fire scheme approval | FS/2019/26 dated 08.02.2019 | |
| | vii) | Service plan and estimate approval | LC-1845/JE(DS)/2023/19711 dated 20.06.2023 | |



HARERA
GURUGRAM

Project - Good Earth Sixty 9

RERA-GRG-1276-2023

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| 17. | Fee Details | |
| | Registration Fee | 14,163.975 Sqm * 1.75 * 20 = Rs 4,95,739/- |
| | Processing Fee | 14,163.975 Sqm * 10 = Rs 1,41,640/- |
| | Late Fee | (450% of registration fee) 4,95,739/- * 4.5 = Rs 22,30,826/- |
| | Total Fee | Rs 28,68,205/- |
| 18. | DD amount | Rs 2,83,281/- Rs 1,41,640/- Rs 2,12,458/- |
| | DD no. and date | 803181 dated 28.12.2022. 803179 dated 28.12.2022. 803279 dated 12.04.2023 |
| | Name of the bank issuing | IndusInd Bank |
| | Deficient amount | Rs 22,30,826/- |
| 19. | File Status | Date |
| | File received on | 20.01.2023 |
| | Deficiency conveyed on | 27.01.2023 |
| | First hearing on | 31.01.2023 |
| | Second hearing on | 14.02.2023 |
| | Third hearing on | 06.03.2023 |
| | Fourth hearing on | 20.03.2023 |
| | Fifth hearing on | 03.04.2023 |
| | Sixth hearing on | 17.04.2023 |
| | Seventh hearing on | 15.05.2023 |
| | Eighth hearing on | 29.05.2023 |
| | Ninth hearing on | 12.06.2023 |
| Tenth hearing on | 26.06.2023 | |
| Eleventh hearing on | 17.07.2023 | |
| 20. | Case History: | |
| | <p>The Promoter Sirur Developers LLP who is a license holder applied for the registration of real estate commercial colony namely "Good Earth Sixty 9" located at Sector-69, Gurugram under section 4 of the Real Estate (Regulations and Development) Act, 2016 vide central receipt no. 47935 dated 20.01.2023 and RPIN-569. The Temp I.D. of REP - I (Part A-H) is RERA -GRG-PROJ-1276-2023. The project area for registration is 2 Acres as same as the licensed area i.e., 2 acres vide License no -132 of 2008 dated 28.06.2008.</p> <p>The application for registration was scrutinized and 1st deficiency notice vide notice no. HARERA/GGM/RPIN/569 dated 27.01.2023 was issued to the promoter with an opportunity of being heard on 31.01.2023.</p> <p>On 31.01.2023, the matter was adjourned to 14.02.2023.</p> <p>On 14.02.2023, Sh. Sumeet, Engineer Executive cum Planning Coordinator and Ms. Asha, Chartered Accountant briefed about the facts of the case. None is present on behalf of the promoter. The promoter is directed to rectify the deficiencies and submit the required documents before the next date of hearing. The matter to come up on 06.03.2023.</p> | |

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 अर्तगत गठित प्राधिकरण

भारत की संसद द्वारा पारित 2016 का अधिनियम संख्यांक 16



The promoter has submitted a reply on 15.02.2023 which was scrutinized and the deficiencies were conveyed to the promoter. The promoter has submitted the affidavit regarding no sale in the project till date.

On 06.03.2023, Sh. Sumeet, Engineering Officer cum Planning Coordinator and Ms. Asha, Chartered Accountant briefed about the facts of the case. Sh. Prashant (AR) is present on behalf of the promoter. The AR is directed to rectify all of the above deficiencies including payment of deficit fees i.e., Rs 24,43,284/- and to also submit the necessary documents. Further the AR states that the conversion of the licensee company to applicant promoter i.e., M/s Sirur Developers LLP has already been recognized by DTCP Memo No LC-1845-JE(VA)-2020/3797, dated 10.02.2020. The AR seeks two weeks' time to complete the deficiencies including payment of deficit fee. Matter to come up on 20.03.2023.

The promoter has submitted a reply on 03.03.2023 which was scrutinized and conveyed to the promoter.

On 20.03.2023, Sh. Sumeet, Engineering Officer cum Planning Coordinator and Ms. Asha, Chartered Accountant briefed about the facts of the case. None is present on behalf of the promoter. The promoter is advised to rectify the above deficiencies including payment of deficit fee of Rs. 24,43,284/- The matter to come up on 03.04.2023.

On 03.04.2023, Sh. Sumeet, Engineering Officer cum Planning Coordinator and Ms. Asha, Chartered Accountant briefed about the facts of the case. Sh. Prashant (AR) is present on behalf of the promoter. The reply has been submitted by the respondent promoter on 31.03.2023 which needs to be examined by the office. Further the deficit fee has not been submitted by the promoter till date. The AR of the promoter submits that the late fee may not be charged as they have not made any sale or launched the project till date. A detailed representation in this regard shall be submitted by the promoter. The matter to come up on 17.04.2023.

The promoter has submitted a reply on 31.03.2023 which was scrutinized and the remaining deficiencies were conveyed to the promoter.

On 17.04.2023, Ms. Asha, Chartered Accountant briefed about the facts of the case. Sh. Pawan Bohara (AR) and Sh. Prashant (AR) are present on behalf of the promoter. The AR of the promoter stated that they have submitted detailed representation regarding the applicability of late fee. The promoter also requested for grant of 30 days' time for submission of approved service plans and estimates along with other deficit documents. The matter to come up on 15.05.2023.

The promoter has submitted a representation on 13.04.2023 for waiving off the late fee for registration of project stating that initially the project was for the purpose of rental and currently the project is on finishing stage and took the decision on later stage to sell out the project and eventually filed application for HARERA registration. Further the promoter stated that the project is not launched and no sale has been done till date and will not doing any sale till issuance of registration.

The promoter has submitted a reply on 13.04.2023 which is scrutinized and the remaining deficiencies were conveyed to the promoter.

On 15.05.2023, Sh. Sumeet, Engineering Officer cum Planning Coordinator and Ms. Asha, Chartered Accountant briefed about the facts of the case. Sh. Babloo is present on behalf of the promoter. The AR of the promoter is directed to submit the deficit fee and other deficit documents mentioned above. The matter is adjourned and to come up on 29.05.2023.

The promoter has submitted the reply on 15.05.2023 and 23.05.2023 which were scrutinized and deficiencies were conveyed to the promoter.

On 29.05.2023, Sh. Sumeet, Engineering Officer cum Planning Coordinator and Ms. Asha, Chartered Accountant briefed about the facts of the case. Sh. Babloo (AR) is present on behalf of the promoter. The AR of the promoter states that they have submitted a representation regarding exemption of late



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| | <p>fee. The same be put up before the authority on file. The matter is adjourned and to come up on 12.06.2023.</p> <p>The representation is putted up before the authority on file and pending adjudication.</p> <p>On 12.06.2023, Sh. Sumeet, Engineering Officer cum Planning Coordinator and Ms. Asha, Chartered Accountant briefed about the facts of the case. Sh. Prashant (AR) and Sh. Abhishek (AR) are present on behalf of the promoter. The AR of the promoter requests two weeks' time to comply with the above-mentioned deficiencies. The matter to come up on 26.06.2023.</p> <p>The promoter has submitted a reply on 20.06.2023 which is scrutinized and the deficiencies were conveyed to the promoter.</p> <p>On 26.06.2023, Sh. Sumeet, Engineering Officer cum Planning Coordinator and Ms. Asha, Chartered Accountant briefed about the facts of the case. Sh. Babloo (AR) is present on behalf of the promoter. The promoter applicant is requesting for waiver of late fee on the ground that no sale or 3rd party right has been created in the project which was initially planned to be leased out but now it has been decided to go for advertisement and sale of units. An affidavit with regard to no sale and no advertisement has already been submitted. The matter needs to be examined. The promoter is further directed to submit copies of the approved service plans and estimates, and other deficient documents as mentioned above. The matter is adjourned and to come up on 17.07.2023 for further necessary action.</p> <p>The promoter has submitted a reply on 03.07.2023 which is scrutinized and the status of documents is mentioned below.</p> | |
| 21. | <p>Present compliance status as on 17.07.2023 of the deficiencies conveyed in hearing dated 26.06.2023.</p> | <ol style="list-style-type: none">1 Deficit Fee - Rs 22,30,826/- Status: Representation submitted to waive off as detailed above.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.3 Online DPI needs to be corrected. Status: Not Submitted.4 Approved Service plan and estimates need to be submitted. However, approval letter submitted. Status: Submitted.5 Project proponents needs to be submitted. Status: Submitted.6 Cash flow statement needs to be revised for construction. Status: Needs to be revised.7 Quarterly statement of expenditure and funds needs to be submitted. Status: Submitted.8 CHG form needs to be submitted. Status: Not Submitted.9 REP-II needs to be revised with all details of loan. Status: Not Submitted. |
| 22. | <p>Remarks</p> | <ol style="list-style-type: none">1 Deficit Fee - Rs 22,30,826/- Representation submitted to waive off as detailed above. |



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| | | <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 Cash flow statement needs to be revised for construction.</p> <p>5 CHG form needs to be submitted.</p> <p>6 REP-II needs to be revised with all details of loan.</p> |
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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 the corrections in online DPI, corrections in online (A-H) form, submission of deficit fee, cash flow statement, CHG form and revised REP-II. Further the license and building plans of the project stand expired recently on 27.06.2023 and 26.06.2023 respectively.

As per the directions of the Authority, it is submitted that in case of "TRL Residential Plotted Colony" the advise of AG has been received and part of Para 11 is reproduced below:

Definition of "ongoing project" as given in rule 2(O) of Rules of 2017 necessitates twin requirement i.e., license was taken before 01.05.2017 and development works are yet to be completed. The words "development works are yet to be completed" are cautiously used to include within its ambit such projects wherein either the promoter was in a position to start developing real estate project or has already started the development but such development is not complete. Thus, it takes care of scheme of act as discussed in point (ii) above i.e., a project would be categorized as "ongoing" on the date of commencement of the Act of 2016 when a promoter is ready to start a real estate project as its contemplated from the scheme of Act of 2016 or has already started development and has not received a completion certificate.

Therefore, the ultimate test to decide whether a project would be ongoing as on 01.05.2017 is to answer a simple question whether a promoter was in a position on 01.05.2017 to start developing a project and to fulfil the requirements of registration given in section 4 of Act of 2016 read with rule 3 and 4 of Rules 2017 or is already in the stage of development but has not received completion certificate. If yes, it would be "ongoing" as on 01.05.2017.

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

Asha
Asha

Chartered Accountant

Sumeet
Sumeet

Engineering Officer

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| Day and Date of hearing | Monday and 17.07.2023 |
| Proceeding recorded by | Ram Niwas |

PROCEEDINGS OF THE DAY

Proceedings dated: 17.07.2023.

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

Sh. Kamal Kapoor (AR), Sh. Pawan Bohara (AR) and Sh. Prashant (AR) are present on behalf of the promoter.

With regard to the applicability of late fee, the authority has sought the view of AG, Haryana in two other cases wherein it is submitted that



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- i. The late fee shall not be applicable as the building plans have been approved recently and the promoter has not made any sale in the project and also no development works have been undertaken.
- ii. The promoter is liable to get his project register with the authority once the development works have been started in the project.

In view of the above, all the three members are of the view that as per rule 2(O) this project comes under the definition of ongoing project wherein development has already been started way back. Therefore, the late fee should be charged. However, the Hon'ble Chairman stated that Panchkula RERA Authority is also working under the same RERA Act and Rules and they are not levying any late fee on those projects where activities as envisaged under section 3 are not undertaken by the developer and moreover opinion of AG, Haryana is not binding on the Authority. Further the trigger point of registration is to undertake the activities as mentioned under section 3 and not the start of development works. Hence the late fee is not leviable in the present instance. However, agreeing with the majority view it is decided that the late fee be levied.

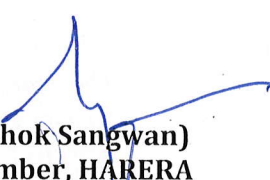
Further it has come to the notice of the authority that license of the project stand expired recently on 27.06.2023 and building plans on 26.06.2023.


In view of the above, the AR of the promoter states that they will deposit the deficit fee (late fee) in the Authority under protest and will also submit the other deficit documents along with renewed license and renewed building plans and further request to grant the registration of the project.

Keeping in view the above, the Authority decides to approve the registration to the project subject to the compliance above and the registration number will be granted only after submission of deficit fee and other deficit documents along with renewed license and renewed building plans.


(Sanjeev Kumar Arora)
Member, HARERA


(Vijay Kumar Goyal)
Member, HARERA


(Ashok Sangwan)
Member, HARERA


(Arun Kumar Gupta)
Chairman, HARERA

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 अर्तगत गठित प्राधिकरण

भारत की संसद द्वारा पारित 2016 का अधिनियम संख्यांक 16