

New PWD Rest House, Civil Lines, Gurugram, Haryana

नया पी.डब्ल्यू.डी. विश्राम गृह सिविल लाईंस गुरुग्राम हरियाणा

Promoter Name: M/s Dishita Infra Pvt. Ltd.
Project Name: Yashika Green Square
PROJECT HEARING BRIEF FOR REGISTRATION U/S 4

S.No.	Particulars	Details	
1.	Name of the project	Yashika Green Square	
2.	Name of the promotor	M/s Dishita Infra Pvt Ltd.	
3.	Nature of the project	Affordable Group Housing colony	
4.	Location of the project	Sector-99A, Gurugram	
5.	Legal capacity to act as a promoter	Collaborator	
6.	Name of the license holder	Sh. Jagdish Chander S/o Sh. Ram Swaroop	
7.	Name of the Collaborator	M/s Dishita Infra Pvt Ltd.	
8.	Whether registration applied for whole	Whole	
9.	Status of project	New	
10.	Online Application ID	RERA-GRG-1386-2023	
11.	Date of completion of project as per REP-II/4(2)(I)(c)	31.01.2028	
12.	QPR Compliance (If applicable)	N/A	
13.	4(2)(I)(d) Compliance (If applicable)	N/A	
14.	Compliance of RC Conditions	N/A	
15.	License no.	32 of 2023 dated 14.02.2023	Valid up to 13.02.2028
16.	Total licensed area	4.25 acres	Area to be registered 4.25 acres
17.	Fee Details		
	Registration Fee	Residential 37500.942x 2.37 x 10 =Rs. 8,88,772.3254/- Commercial 2572.986 x 1.87 x 20 =Rs. 96,229.6754/- Total = Rs. 9,85,002.0018/-	
	Processing Fee	40,073.928 x 10 =Rs. 4,00,739.28/-	
	Late Fee	NA	
	Total Fee	Rs. 13,85,741.282/-	

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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

	Fees paid	1. Rs 9,85,003/- 2. Rs. 1,71,992/- 3. Rs 2,29,000	
	DD no. and date	1. 514406 dated 08.05.2023 2. 514407 dated 08.05.2023 3. 514444 dated 30.05.2023	
	Name of the bank issuing	ICICI Bank	
	Deficit fees	NIL as per the proposed building plan.	
18.	Statutory approvals either applied for or obtained prior to registration		
	S.No.	Particulars	Validity up to
	i)	License Approval	32 of 2023 dated 14.02.2023 13.02.2028
	ii)	Zoning Plan Approval	DTCP 9014 dated 15.02.2023
	iii)	Building plan Approval	ZP- 1771/JD(RD)/2023/21997 dated 07.07.2023 06.07.2028
	iv)	Environmental Clearance	Not Submitted
	v)	Airport height clearance	PALM/NORTH/B/050823/756 466 dated 22.05.2023 21.05.2031
	vi)	Fire scheme approval	Not Provided
	vii)	Service plan and estimate approval	Not Provided
	viii)	Electricity load availability connection	Ch. 07/DGR-PLC dated 23.04.2023
19.	File Status	Date	
	Project received on	19.05.2023	
	First notice sent on	31.05.2023	
	First hearing on	12.06.2023	
	Documents Submitted on	15.06.2023	
	Second hearing on	19.06.2023	
20.	Case History:		
	<p>An application regarding registration of affordable group housing colony namely "Yashika Green Square" situated at Sector-99A, Gurugram, Haryana being developed by M/s Dishita Infra Pvt. Ltd. was submitted on 19.05.2023 under section 4 of Real Estate (Regulation and Development), Act 2016. This application for registration falls under license no. 32 of 2023 for area admeasuring 4.25 acres dated 14.02.2023 valid up to 13.02.2028 being issued in favour Sh. Jagdish Chander S/o Sh. Ram Swaroop in collaboration with M/s Dishita Infra Pvt. Ltd.</p> <p>On scrutiny of the application, some of the deficiencies/observations were observed which were conveyed to the promoter vide notice no. HARERA/GGM/RPIN/620 dated 31.05.2023. The promoter was directed to remove the deficiencies/ observations and given an opportunity of hearing on 12.06.2023.</p>		

A complaint by M/S Zara Domov Pvt. Ltd. has been received in the Authority, vide dak receipt no 54030 dated 01.06.2023 and 54825 dated 07.06.2023 which is similar and having same Ref. no : ZD-HRERA - 005/2023 wherein allegations have been accused on the promoter and the complainant further humbly request to the Authority that till the time dispute between Zara Domov Pvt. Ltd. and Dishita Infra Pvt. Ltd. has not been resolved, kindly do not pass, permit and provide any sanction of plans or licenses to Dishita Infra Pvt. Ltd.

In the complaint it is mentioned that Dishita Infra Pvt. Ltd executed collaboration agreement dated 17.10.2019 with one Mr. Jagdish Chander (Owner) of the land admeasuring 4.25 acres located at revenue estates of village Golpalpur, Sector-99A, Gurugram for the purpose of developing affordable group housing on the said land.

Thereafter, Dishita infra Pvt. Ltd. and Zara Domov Pvt. Ltd. entered into an MOU dated 09.12.2022 for the joint development of the project. Further, they executed the development agreement dated 01.01.2023 for the joint development of the project.

Dishita Infra Pvt. Ltd. alongwith owner of land has been granted the license no. 32 of 2023 by Town and Country Department on 14.06.2023. The complainant humbly submitted that as per MOU and DA, Zara Domov Pvt. Ltd. will construct the said project on the said land at their own expenses and the Dishita infra Pvt. Ltd will transfer the requisites titles to the Zara Domov Pvt. Ltd. over the period of time. Further according to complainant Dishita infra Pvt. Ltd assured the Zara Domov Pvt. Ltd. that it will get the license transfer to it name.

Proceedings dated 12.06.2023

Sh. Shashank Sharma, Associate Engineer Executive briefed about the facts of the project. Sh. Dheeraj Yadav(AR), sh. Dheeraj Sood (AR) and Sh. Heera Bisht (AR) are present on behalf of the promoter. The AR of the promoter requested for one week time to rectify deficiencies. The matter to come up on 19.06.2023.

Documents submitted on 15.06.2023

The promoter has submitted a reply against the complaint by Zara Domov Pvt. Ltd. wherein it states that applicant is just trying to blackmail and cause duress to us by filing these baseless applications to your good office so this application may be rejected at the first instance. Zara could have only acted as a sub-contractor of Dishita thus cannot claim any independent right in the project thus even does not have locus standi to approach this Hon'ble Authority.

In reference to License no. 32 of 2023 it is clear that License is granted to owners and Dishita Infra Pvt. Ltd. (Dishita)

1. Zara approached Dishita with some offers and based on that offers tentative and non-definitive documents i.e., MoU and Development Agreement were executed which were contingent and conditional and executable subject to strict adherence of representations by Zara.

2. Within no time it was revealed that Zara cannot adhere to the terms thus the executed documents were frustrated by the acts of Zara and cannot be enforced.

3. **Even otherwise alleged development agreement is nullity and non-enforceable as neither it is adequately stamped nor mandatorily registered.**

According to promoter, this document Dishita just intended to sub-contract some of the work mandates and towards consideration, instead of payment of cost some interests were supposed to be created. Neither independent rights are created nor any power to take final decision was with

Zara. As per previous Judgements of Supreme Court companies like Zara can only be considered as construction contractor and not developer as claimed by Zara. Also, The allegation of handing over possession is false and frivolous. There was no reason or occasion for Dishita to handover possession to Zara as the terms of the Agreement were to be enforceable after registration of the project in HRERA.

Further, as per Section 3 of Haryana Development and Regulation of Urban Areas Act, 1975 the owner of the property may apply for a joint license with developer. That in the present case Mr. Jagdish Chander, the owner of the Subject Land entered into a registered and valid Collaboration Agreement with Dishita Infra Pvt Ltd thus Dishita is Developer of the project.

If Zara had any genuine dispute or claim it should have approached Court of Law for relief, but it has approached here to create dispute on the project, so we succumb to its pressure tactics. Moreover, Zara is asking for relief of "not to pass, permit and provide any sanction of plans or licenses to Dishita Infra Pvt Ltd" which is not the work role of RERA.

Proceedings dated 19.06.2023

Sh. Shashank Sharma, Associate Engineer Executive briefed about the facts of the project. Sh. Dheeraj Yadav (AR), Sh. Heera Bisht (AR) and Sh. Dheeraj Sood (AR) are present on behalf of the promoter.

The promoter has submitted reply to the complaint dated 01.06.2023 & 07.06.2023 and seeks a short adjournment for submission of approved building plans.

The matter to come up on 03.07.2023.

Proceedings dated 03.07.2023

Sh. Shashank Sharma, Associate Engineer Executive briefed about the facts of the project. None is present on behalf of the promoter. An e-mail has been received from the applicant promoter requesting for adjournment of the hearing to 10.07.2023 instead of 03.07.2023. However, it is noticed that even the approval of building plans has not been yet obtained which is a pre-requisite for making application for registration. In view of the above, show cause notice for reply within one month may be issued as to why the application for registration may not be rejected. It is also noticed that one complaint dated 01.06.2023 has been received against the applicant and a reply to the same was sought from the applicant promoter which has been received on 15.06.2023. The complainant may also be called to be present on the next date of hearing.

The matter to come up on 07.08.2023.

A show cause notice no HARERA/GGM/RPIN/620/Show cause dated 04.07.2023 has been issued to the promoter and notice to the complainant has also been sent vide notice no. HARERA/GGM/RPIN/620/I dated 04.07.2023.

Documents submitted on 11.07.2023

1. Copy of BR-III vide memo no ZP-1771/JD(RD)/2023/21997 dated 07.07.2023.



	<p>Documents submitted on 14.07.2023 1. Corrected A-H</p> <p>Documents submitted on 17.07.2023 1. No objection certificate from Zara Domov Pvt. Ltd. against M/s Dishita Infra Pvt. Ltd. for license no 32 of 2023 along with the Memorandum of Understanding dated 14.07.2023.</p> <p>Documents submitted on 18.07.2023 Reply to show cause notice no HARERA/GGM/RPIN/620/Show cause dated 04.07.2023 wherein the promoter states that building plans having memo no- ZP-1771/JD(RD)/2023/21997 dated 07.07.2023, corrected A-H, cash flow statement and other documents has been submitted. The promoter has also submitted a No Objection Certificate from Zara Domov Pvt. Ltd. against M/s Dishita Infra Pvt. Ltd. for license no 32 of 2023. The promoter is also requesting for the pre-pone of the hearing of the above said project from 07.08.2023 to 24.07.2023.</p> <p>On the request of promoter, the mater is preponed from 07.08.2023 to 24.07.2023.</p>	
21.	<p>Present compliance status as on 24.07.2023 of deficient documents as observed on last hearing i.e., 03.07.2023.</p>	<ol style="list-style-type: none">1. Deficit fees of Rs. 2,28,746 /- needs to be paid. The fee is calculated as per the provisional building plan provided by the promoter, in case there is any change in building plans then the fees will be calculated and charged accordingly. Status: Submitted Rs 2,29,000/- vide DD no 514444 dated 30.05.2023 of ICICI bank.2. Online corrections in REP-I (Part A-H) needs to be done. Documents to be uploaded mentioned above needs to be submitted in PDF format of size less than 5 mb each. Status: Submitted3. Corrections in online detailed project information needs to be done. Status: Not Submitted4. Approved building plans needs to be submitted. Status: Submitted5. Environmental clearance needs to be submitted. Status: Not Submitted and promoter has submitted an undertaking to get the EC within 6 months after getting the registration certificate.6. Copy of approved fire scheme needs to be submitted. Status: Not Submitted7. Copy of approved service estimates and plans along with sanction letter from DTCP, Haryana needs to be submitted. Status: Not Submitted8. Airport Height Clearance needs to be submitted. Status: Submitted9. Mutation, jamabandi and Akshjra certified on latest dates needs to be submitted. Status: Submitted

		<p>10. Non-encumbrance certificate not below the rank of tehsildar & certified on the latest date needs to be submitted. Status: Submitted.</p> <p>11. Power Line shifting NOC needs to be submitted as in provisional site plan there is a provision of 66KV line which is to be shifted in underground by the promoter. Status: Not Submitted, Further promoter has submitted an undertaking to shift the 66KV power line within 6 months after issuance of registration certificate.</p> <p>12. PERT chart needs to be submitted. Status: Submitted</p> <p>13. Allotment letter needs to be revised. Status: Submitted.</p> <p>14. BBA needs to be revised. Status: Submitted.</p> <p>15. Payment plan needs to be revised. Status: Submitted.</p> <p>16. Application form needs to be revised. Status: Submitted.</p> <p>17. Cost of the land needs to be clarified according to the area applied for the registration. Status: Submitted</p> <p>18. Original copy of bank undertaking needs to be submitted. Status: Submitted</p> <p>19. Quarterly schedule of estimated expenditure for IDW needs to be submitted. Status: Submitted.</p> <p>20. Project report needs to be corrected. Status: Submitted</p> <p>21. Cash flow statement need to be submitted. Status: Submitted.</p> <p>22. Project proponents needs to be submitted. Status: Submitted</p> <p>23. CA certificate regarding project cost incurred on the project needs to be match with DPI. Status: Submitted</p>
22.	Remarks	<p>1. Corrections in online detailed project information needs to be done.</p> <p>2. Environmental clearance needs to be submitted.</p> <p>3. Copy of approved fire scheme needs to be submitted.</p> <p>4. Copy of approved service estimates and plans along with sanction letter from DTCP, Haryana needs to be submitted.</p>

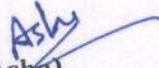


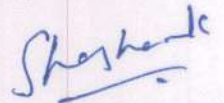
HARERA
GURUGRAM

Promoter Name M/ s Dishita Infra Pvt. Ltd.
Project Name Yashika Green Square

5. Power Line shifting NOC needs to be submitted as in provisional site plan there is a provision of 66KV line which is to be shifted in underground by the promoter.

Recommendation - All the required documents for registration under section 4 of the Act, 2016 have been submitted except submission of approved service plans and estimates, Approved Fire scheme, Environmental clearance, Power shifting line NOC. The Authority may consider for grant of registration upon submission of BG/DD amounting Rs 25 Lakh as a security amount & undertaking to submit the approved fire scheme within 3 months from the date of grant of registration certificate and BG/DD amounting Rs 25 Lakh as a security amount to submit the approved service plans and estimates within 6 months from the date of grant of registration certificate and undertaking to submit the environment clearance and power shifting line NOC within 6 months from the date of grant of registration certificate.


(Asha)
Chartered Accountant


(Shashank Sharma)
Associate Engineer Executive

Day and Date of hearing Monday and 24.07.2023

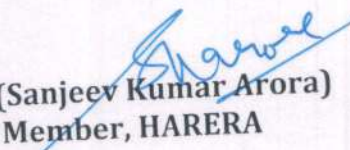
Proceeding recorded by Sh. Ram Niwas

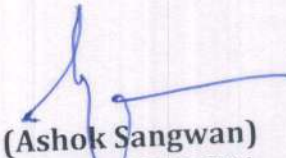
PROCEEDINGS OF THE DAY

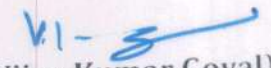
Proceedings dated 24.07.2023

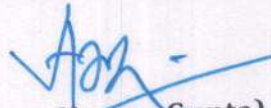
Sh. Shashank Sharma, Associate Engineer Executive briefed about the facts of the project. Sh. Dheeraj Yadav (AR) is present on behalf of the promoter.

It is noted that DTCP has frozen the Pocket-2 comprising the tower A, B, G and commercial as shown in the approved site plan until the 66KV line will be shifted by the promoter. The Authority hereby decides to approve as proposed subject to a condition that no third-party rights shall be created on the area frozen by DTCP i.e., Pocket-2 comprising the tower A, B, G and commercial as shown in the approved site plan on account of shifting of power line without obtaining the order of defreeze from DTCP and intimation of the same to the Authority. The RC shall be issued only after the corrections done in online DPI and A-H form.


(Sanjeev Kumar Arora)
Member, HARERA


(Ashok Sangwan)
Member, HARERA


(Vijay Kumar Goyal)
Member, HARERA


(Arun Kumar Gupta)
Chairman, HARERA

Email: hareragurugram@gmail.com, reragurugram@gmail.com, Website: www.harera.in
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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

