

Hearing brief for registration of Project u/s 4

S.No.	Particulars	Details		
1.	Name of the project	M3M Escala		
2.	Name of the promoter	M/s M3M India Pvt Ltd.		
3.	Nature of the project	Group Housing		
4.	Location of the project	Sector 70A, Gurugram		
5.	Legal capacity to act as a promoter	BIP Holder - (Permission of joint development rights & marketing rights)		
6.	Name of the license holder	1. M/s Vibhor Home Developers Pvt. Ltd. 2. M/s Haamid Real Estate Pvt. Ltd. 3. M/s Dae real Estate Pvt. Ltd. 4. M/s Pegeen Builders Pvt. Ltd. 5. M/s Red Topaz Real Estate Pvt. Ltd. 6. M/s Philia Estate Developers Pvt. Ltd. 7. M/s Nililma Real Estate Pvt. Ltd. 8. M/s Finian Estates Developers Pvt. Ltd. 9. M/s Abheek Real estate Pvt. Ltd.		
7.	Name of the collaborator	M/s DLF Home Developers Limited		
8.	Name of the BIP Holder	M/s M3M India Pvt Ltd and others		
9.	Status of project	Ongoing (OC Obtained)		
10.	Whether registration applied for whole/ phase	Phase		
	Phase no.	Not Mentioned		
11.	Online application ID	RERA-GRG-907-2021		
12.	License no.	16 of 2009 dated 29.05.2009	Valid till 28.05.2024	
13.	Total licensed area	27.471 Acres	Area to be Registered	
			3.26706 Acres	
14.	Projected completion date	Not Mentioned		
15.	Statutory approvals either applied for or obtained prior to registration			
	S.No	Particulars	Date of approval	Validity up to
	i)	License Approval	16 of 2009 dated 29.05.2009	28.05.2024
	ii)	Zoning Plan Approval	19.04.2010	
	iii)	Building plan Approval	27.01.2017	26.01.2022 (Expired)
	iv)	Environmental Clearance	15.09.2020	03.09.2023
	v)	Airport height clearance	23.04.2010	
	vi)	Fire scheme approval	06.03.2018	
	vii)	Service plan and estimate approval	18.05.2017	
16.	Fee Details			
	Registration Fee	19713.415*1.75*10 = Rs 3,44,985/-		



	Processing Fee	19,173.415*10 = Rs 1,91,734/-
	Late Fee	300% of registration fee = Rs 10,34,955
	Total Fee	Rs 15,71,674/-
17.	DD amount	1. Rs 3,07,500/- 2. Rs 2,01,700/- 3. Rs 10,62,474/-
	DD no. and date	1. 500199 dated 16.08.2021. 2. 500200 dated 16.08.2021. 3. 007044 dated 20.03.2023.
	Name of the bank issuing	ICICI Bank
	Deficient amount	NIL
18.	File Status	Date
	Project received on	25.08.2021
	1 st deficiency notice sent on	09.09.2021
	1 st hearing on	21.09.2021
	2 nd hearing on	05.10.2021
	3 rd hearing on	19.10.2021
	4 th hearing on	09.11.2021
	5 th hearing on	13.12.2021
	6 th hearing on	27.12.2021
	7 th hearing on	17.01.2022
	8 th hearing on	31.01.2022
	9 th hearing on	15.03.2022
	10 th hearing on	18.04.2022
	11 th hearing on	09.05.2022
	12 th hearing on	23.05.2022
	13 th hearing on	27.09.2022
	14 th hearing on	11.10.2022
	15 th hearing on	26.10.2022 (adjourned)
	16 th hearing on	27.10.2022
	17 th hearing on	21.11.2022
	18 th hearing on	26.12.2022
	19 th hearing on	09.01.2023
	20 th hearing on	16.01.2023
	21 st hearing on	30.01.2023
	22 nd hearing on	13.02.2023
	23 rd hearing on	13.03.2023
	24 th hearing on	03.04.2023
	25 th hearing on	05.06.2023
	26 th hearing on	07.06.2023
27 th hearing on	26.06.2023	
28 th hearing on	10.07.2023	
29 th hearing on	24.07.2023	
19.	Case History:	
	The promoter i.e. M/s M3M India Pvt Ltd has applied (online and manual) on dated 25.08.2021 for registration of their group housing colony project namely "M3M Escala" in sector 108, Gurugram under section 4 of Real Estate (Regulation and Development), Act 2016.	



This application pertains to registration of group housing residential colony which has been licensed vide license no. 16 of 2009 for area admeasuring 27.471 acres valid upto 28.05.2024 issued in favour of various license holders in collaboration with M/s DLF Home Developers Ltd.

DTCP, Haryana had issued in principle approval of change of developer from DLF Home Developers Pvt Ltd to Haamid Real Estates Pvt Ltd and grant joint development rights and marketing rights in favour of Capital Heights Pvt Ltd, Classic Infrasoutions Pvt Ltd, M3M India Pvt Ltd, Advance India Projects Pvt Ltd vide memo no. LC-139-II-JE(VA)/2020/13145 dated 27.07.2020.

The present application pertains to registration of 3.26706 acres applied by M/s M3M India Pvt Ltd in legal capacity of BIP holder for which occupation certificate was obtained on 02.08.2018 vide memo no. memo. No. ZP-545/SD(BS)/2018/23018 dated 02.08.2018 for towers M1, M2 and EWS.

On scrutiny of application, it was found that there were deficiencies in the application which have been mentioned in PE and CA scrutiny. Online corrections were found in Rep-I (Part A-H). Hence, the promoter may be issued 1st deficiency notice vide notice no. HARERA/GGM/RPIN/365 dated 09.09.2021 to remove the above deficiencies/ observations and given an opportunity of hearing on 21.09.2021.

On 14.09.2021, the promoter has submitted an application requesting the authority for the adjournment of hearing because the concerned staff who is well conversant with the project is bed ridden with illness. Therefore, the promoter request to grant time till 30.09.2021 for removal of deficiencies and defer the hearing schedule for 21.09.2021.

On 21.09.2021, it has come to the notice of the authority that the promoter has submitted an application on 14.09.2021 requesting the authority for the adjournment of hearing because the concerned staff who was well conversant with the project was bed ridden with illness. Therefore, the authority considers the request of the promoter to grant week time for removal of deficiencies and deferred the hearing schedule for 21.09.2021. The matter was fixed for 05.10.2021.

On 05.10.2021, the promoter had not submitted the reply of 1st deficiency notice.

A comprehensive report was yet to be come from DTCP, promoters and co-promoters. Nothing could be done in absence of patent material fact. The matter was fixed for 19.10.2021.

On 19.10.2021, a comprehensive report is yet to come from DTCP regarding promoters and co-promoters. Nothing could be done in absence of patent material fact. The matter was fixed for 09.11.2021.

On 09.11.2021, the promoter was directed to obtain final approval of BIP permission from the competent authority. Nothing could be done in absence of patent material fact. In meanwhile the promoter was advised to rectify the remaining deficiencies which were already conveyed. The matter was fixed for 13.12.2021.

On 13.12.2021, the promoter is directed to submit the deficit documents along with online DPI. The matter was fixed for 27.12.2021.

On 27.12.2021, matter was adjourned for 17.01.2022.

On 17.01.2022, matter was adjourned for 31.01.2022.

On 31.01.2022, the promoter is directed to submit the deficit documents along with corrected online DPI and REP-I (Part A-H). Matter was adjourned for 15.03.2022.

On 15.03.2022, the reply to the deficiencies notice submitted by the applicant promoter was scrutinized and still major deficiencies were noticed including non-obtaining of the BIP permission in favour of the applicant promoter and other statutory approvals requires to be submitted. The AR of the promoter clarified that the instant project applied for registration as ongoing project measuring 3.2 acres only out of 27.47 acres Group Housing Complex licensed in favour of M/s Haamid Real Estates Pvt. Ltd. in collaboration with DLF Homes Developers Ltd. However, the remaining developers are not paying the share of their fee and hence final grant of BIP permission is held up in DTCP. The AR was advised for taking up the matter with T&CP Department for early grant of BIP permission and rectification of all other deficiencies already conveyed before the application for registration to be further proceeded. The matter was fixed for 18.04.2022.

On 18.04.2022, none was present on behalf of the promoter. One last opportunity of 2 weeks' time is granted. The matter was fixed for 09.05.2022.

On 09.05.2022, No one is present on behalf of the promoter. Keeping in view the brief facts of the case, the promoter is directed to submit all the deficit documents and deficit fees along with final approval of BIP which is a mandatory requirement for grant of registration certificate. A notice be issued to the promoter for obtaining final BIP approval of the part of the project developed by them. Matter was fixed for 23.05.2022.

On 23.05.2022, No one appeared on behalf of the promoter. The promoter has not submitted the reply of the deficiencies which are conveyed to them nor submitted the final approval of BIP permission. The matter was sine die till the final approval of BIP permission is obtained from the competent authority.

On 27.09.2022, JS Sindhu (EE/M) Executive briefed about the facts of the project and following major deficiencies have pointed out i.e. (1). Deficit Fee- Rs 10,62,474/- (2). Final BIP approval. (3). Non-encumbrance certificate. (4). Fire scheme approval. (5). Builder buyer agreement as per prescribed format. (6). Allotment letter as per prescribed format. The matter was adjourned for 11.10.2022.

On 11.10.2022, The major deficiencies are Final BIP Permission, Non- Encumbrance, Fire Scheme approval. Deficit Fee- Rs 10,62,474/-. The authorized representative of the promoter is advised to deposit the deficient fee as mentioned against each within 7 days otherwise their matter will not be heard on the next date of hearing i.e., 26.10.2022. The promoter is further advised to rectify the deficiencies and submit the deficient document apart from the filing of information in REP-I A to H format and detailed project information. The matter was fixed for 26.10.2022.

It is also noticed that the building plan expired on 26.01.2022. However, OC has been obtained on 02.08.2018.

On 26.10.2022, the coram is not complete. The hearing was adjourned for 27.10.2022.

On 27.10.2022, The promoter was directed to rectify the deficiencies and submit the deficit fee if any. The matter was adjourned for 21.11.2022.

On 21.11.2022, Sh. Ashish Kush, Planning Executive briefed about the facts of the case. Sh. Manik Sharma (AR) and Sh. Abhijeet Singh (AR) are present on behalf of the promoter. The applied area of

3.26706 acres is a part of larger licensed area admeasuring 27.471 acres and granted in favour of M/s Haamid Real Estates Pvt. Ltd. & others wherein the applicant is neither a licensee nor a collaborator and hence the matter of grant of COD/BIP is under consideration of DTCP and the above application can be considered after its receipt. The AR states that the OC of the portion of area with the applicant was applied even before publication of the rules and stand obtained and hence requests for exemption of the late fee being charged. However, the Authority has already taken a view that the project is ongoing since no OC was obtained before above publication of above rules and hence the applicant was required to apply and seek the RC within three months of publication of above rules. Since the same was not adhered to and hence the applicant is advised to deposit the above deficit fee and other documents. AR seeks 4 weeks' time for its submission as the matter is before DTCP and the permission of COD/BIP is required to be obtained by the licensee company. The matter was fixed for 26.12.2022.

On 26.12.2022 the AR of the promoter was directed to remove the deficiencies and the matter was adjourned to 09.01.2023.

On 09.01.2023, the matter was adjourned and fixed for 16.01.2023.

On 16.01.2023, the matter was adjourned and fixed for 30.01.2023.

On 30.01.2023, the matter was adjourned and fixed for 13.02.2023.

On 13.02.2023, Sh. Ashish Kush, Planning Executive and Ms. Asha, Chartered Accountant briefed about the facts of the case. Sh. Vineet Maheshwari (AR) is present on behalf of the promoter. The AR submits that COD permission has been received from DTCP and a copy is being filed in the registry of the Authority along with other deficit documents and seeks three weeks' time for doing the needful. The request is allowed. The matter to come up on 13.03.2023.

The promoter has submitted a reply on 09.03.2023 wherein the promoter has requested for grant of some more time i.e., till 28.03.2023 for submitting the information/documents which have been mentioned in the last hearing i.e., 13.02.2023.

On 13.03.2023, Sh. Ashish Kush, Planning Executive and Ms. Asha, Chartered Accountant briefed about the facts of the case. Ms. Pragya Sharan (AR) is present on behalf of the promoter. The representative of the applicant seeks a short adjournment of three weeks. The matter to come up on 03.04.2023.

The promoter submitted a reply on 24.03.2023 which was scrutinized and the remaining deficiencies were conveyed to the promoter.

On 03.04.2023, Sh. Ashish Kush, Planning Executive and Ms. Asha, Chartered Accountant briefed about the facts of the case. Sh. Vineet Maheshwari (AS) and Sh. Bharat Vigmal (AR) are present on behalf of the promoter. The deficiencies have already been conveyed to the promoter. The AR of the promoter stated that they are in process of obtaining the final BIP from DTCP and requested the Authority for the adjournment of two months. The Authority allowed the same. The matter to come up on 05.06.2023.

On 05.06.2023, Coram is not complete. The matter is placed before the authority and as per the directions of the authority the matter is adjourned to 07.06.2023.

The promoter submitted a reply on 23.05.2023 which was scrutinized and the remaining deficiencies were conveyed to the promoter.

On 07.06.2023, Sh. Ashish Kush, Planning Executive and Ms. Asha, Chartered Accountant briefed about the facts of the case. Sh. Manik Sharma (AR), Sh. Bharat Vigmal (AR) and Sh. Abhijeet Singh (AR) are present on behalf of the promoter are present on behalf of the promoter. The AR of the promoter requested the Authority for the exemption of some deficiencies as the OC has been obtained vide memo no. ZP-545/SD(BS)/2018/23018 dated 02.08.2018. The Authority directed the promoter to submit the detailed reply in this regard. The AR of the promoter request one week time to submit the documents as desired by the Authority. On the request of the AR of the promoter the matter is adjourned and now to come up on 26.06.2023.

The promoter submitted a reply on 21.06.2023 which was scrutinized and remaining deficiencies were conveyed to the promoter.

On 26.06.2023, Sh. Ashish Kush, Planning Executive and Ms. Asha, Chartered Accountant briefed about the facts of the case. Sh. Manik Sharma (AR) and Sh. Bharat Vigmal (AR) are present on behalf of the promoter. It has been brought to the notice of the Authority that there are 18 complaints pending against this project filed by one Sh. Arun Kumar Raina received from time to time. The complaints mainly refer to violation under section 3 of the Act, 2016 and some other issues pertaining to the above project. It was decided that the above complaints would be taken up with the registration proceedings. Copies of the complaints be handed over to the AR of the promoter applicant to submit a consolidated response within a period of 10 days. The matter to come up on 10.07.2023.

The promoter submitted a reply on 27.06.2023 which was scrutinized and the deficiencies were conveyed to the promoter.

On 10.07.2023, Sh. Ashish Kush, Planning Executive and Ms. Asha, Chartered Accountant briefed about the facts of the case. Sh. Abhijeet Singh (AR), Sh. Manik Sharma (AR) and Sh. Bharat Vigmal (AR) are present on behalf of the promoter. The copy of the complaints received from Sh. Arun Kumar Raina have already been handed over to the AR of the promoter during the last hearing. No reply has been submitted by the promoter till date. The AR of the promoter is directed to submit the reply. The matter to come up on 24.07.2023.

The promoter has submitted two reply on 19.07.2023 which are scrutinized and found that the promoter has submitted the reply of complaints filed by Sh. Arun Kumar Raina wherein it is stated that the Hon'ble Authority vide order dated 10.11.2020 in RERA-GRG-234-2020 directed the promoter to register the project. That in compliance of the said direction and without prejudice to its aforesaid stand, the promoter has already filed the application for registration of the project on 16.08.2021 and same is pending before the Authority. It is also submitted that the promoter had all requisite permissions, licenses, approvals and sanctions etc. at the time of procurement of occupation certificates of the project. The promoter has also applied for the registration of the project. All allegations of the complainant regarding the application for occupation certificate being fraudulently are all vehemently denied, and it is reiterated that the promoter has been compliant.

It is therefore requested by the promoter that the complaints filed by the complainant may kindly be dismissed in the interest of justice as the promoter has applied for the registration of the project and said application is pending before the Authority.

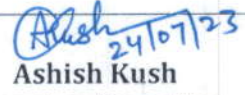
The promoter requested for the exemptions of documents which are stated below in the status of the documents.

20.	Present compliance status as on 24.07.2023 of the deficiencies conveyed in the last hearing dated 10.07.2023.	<ol style="list-style-type: none"> 1. Online corrections in REP-I (Part A-H) needs to be done. Status: Submitted but needs to be corrected. 2. Corrections in detailed project information needs to be done. Status: Submitted but needs to be corrected. 3. Entry of collaboration agreement in revenue record needs to be done. Status: Requested for exemption as OC for both towers has been granted by DTCP. 4. Approvals for water supply, sewage disposal, storm water drainage and road from competent authority needs to be submitted. Status: Requested for exemption as OC for both towers has been granted by DTCP. 5. REP-II needs to be revised. Status: Requested for exemption as OC for both towers has been granted by DTCP. 6. Copy of HUDA construction water NOC not submitted. Status: Requested for exemption as the OC was received for the project on 02.08.2018. Hence no more construction water is required. 7. All the three-bank account i.e., Master Account, Separate RERA Account, Free Account needs to be submitted. Status: Requested for exemption as OC for both towers has been granted by DTCP. 8. Allotment letter, conveyance deed, payment plan and payment receipt, builder buyer agreement in the prescribed format need to be submitted. Status: Request for exemption as conveyance deed of all units has been done. 9. Copy of draft application form needs to be revised. Status: Request for exemption as conveyance deed of all units has been done. 10. Board resolution duly acknowledged by bank for operation of bank account mentioning all three account nos. needs to be submitted. Status: Requested for exemption as OC for both towers has been granted by DTCP. Board resolution for existing account submitted. 11. Affidavit by the promoter regarding arrangement with the financial institution to abide by the provision of RERA needs to be submitted. Status: Requested for exemption as OC for both towers has been granted by DTCP. 12. Bank undertaking needs to be submitted. Status: Requested for exemption as OC for both towers has been granted by DTCP.
21.	Remarks	1. Online corrections in REP-I (Part A-H) needs to be done.

		<ol style="list-style-type: none"> 2. Corrections in detailed project information needs to be done. 3. Entry of collaboration agreement in revenue record needs to be done. 4. Approvals for water supply, sewage disposal, storm water drainage and road from competent authority needs to be submitted. 5. REP-II needs to be revised. 6. Copy of HUDA construction water NOC not submitted. 7. All the three-bank account i.e., Master Account, Separate RERA Account, Free Account needs to be submitted. 8. Allotment letter, conveyance deed, payment plan and payment receipt, builder buyer agreement in the prescribed format need to be submitted. 9. Copy of draft application form needs to be revised. 10. Board resolution duly acknowledged by bank for operation of bank account mentioning all three account nos. needs to be submitted. 11. Affidavit by the promoter regarding arrangement with the financial institution to abide by the provision of RERA needs to be submitted. 12. Bank undertaking needs to be submitted.
--	--	--


 Asha

Chartered Accountant


 Ashish Kush

Planning Executive

Day and Date of hearing	Monday and 24.07.2023
Proceeding recorded by	Ram Niwas

PROCEEDINGS OF THE DAY

Proceedings dated: 24.07.2023.

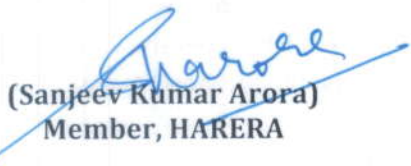
Sh. Ashish Kush, Planning Executive and Ms. Asha, Chartered Accountant briefed about the facts of the case. Sh. Abhijeet Singh (AR), Sh. Manik Sharma (AR) and Sh. Bharat Vigmal (AR) are present on behalf of the promoter.

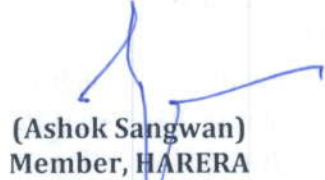
The AR of the promoter stated that they had applied for the OC before the commencement of RERA and their OC has never been rejected. Hon'ble Chairman is of the view that if OC has been applied before RERA and has not been rejected then the project is not an ongoing project. Hon'ble Members are of the view that we may seek information regarding sale of units after commencement of RERA if any, and to clarify as to whether the 3rd party rights have been created prior to RERA only.

In view of the above, the promoter is directed to submit the list of units alongwith complete details where if any, sale has been done after the commencement of RERA but prior to registration.

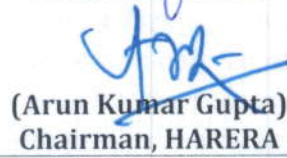
Further, regarding the complaint, the Authority decided to call the complainant in the next hearing. The intimation be sent to the Complainant in this regard.

The matter to come up on 14.08.2023.


 (Sanjeev Kumar Arora)
 Member, HARERA


 (Ashok Sangwan)
 Member, HARERA


 (Vijay Kumar Goyal)
 Member, HARERA


 (Arun Kumar Gupta)
 Chairman, HARERA