



HARERA
GURUGRAM

**HARYANA REAL ESTATE REGULATORY
AUTHORITY GURUGRAM**

हरियाणा भूसंपदा विनियामक प्राधिकरण गुरुग्राम-

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

Project - Iconic
RERA-GRG-1415-2023

Hearing brief for project registration u/s 4

S.No.	Particulars	Details	
1.	Name of the project	Iconic	
2.	Name of the promoter	M/s Celestial Estate Pvt. Ltd.	
3.	Nature of the project	Commercial project	
4.	Location of the project	Sector- 71, Gurugram	
5.	Legal capacity to act as a promoter	Collaborator	
6.	Name of license holder	Sh. Braham Prakash s/o Sh. Ram Singh and Smt. Basanti Devi w/o Chhalu Ram	
7.	Status of project	Ongoing	
8.	Whether registration applied for whole/phase	Whole Project	
9.	Completion date as mentioned in REP-II	15.03.2025	
10.	Online application ID	RERA-GRG-PROJ-1415-2023	
11.	QPR Compliances (if applicable)	N/A	
12.	4(2)(I)(D) Compliances (if applicable)	N/A	
13.	4(2)(I)(C) Compliances (if applicable)	N/A	
14.	Status of change of bank account	N/A	
15.	Details of proceedings pending against the project	N/A	
16.	RC Conditions Compliances (if applicable)	N/A	
17.	License no.	101 of 2011 dated 29.11.2011	valid upto 28.11.2024
18.	Total licensed area	3.409 acres	Area to be registered 3.409 acres
19.	Statutory approvals either applied for or obtained prior to registration		
	S.No	Particulars	Validity upto
	i)	License Approval	101 of 2011 dated 29.11.2011 28.11.2024
	ii)	Zoning Plan Approval	Not Submitted N/A
	iii)	Building plan Approval	ZP-765/JD(BS)/2012/5953 dated 24.04.2012 Revalidation - ZP-765/JD(RA)/2023/31558 dated 21.09.2023 23.04.2017 22.04.2026
	iv)	Environmental Clearance	SEIAA/HR/2014/1038 dated 06.08.2014 05.08.2024
	v)	Airport height clearance	AAI/RHQ/NR/ATM/NOC/2023/625/2618-21 dated 01.09.2023 31.08.2031

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



	vi)	Fire scheme approval	Not Submitted
	vii)	Service plan and estimate approval	Not Submitted
20.	Fee details		
	Registration fee	24142.493 sqm * 1.75 * 20 = Rs 8,44,987/-	
	Processing fee	24142.493 sqm * 10 = Rs 2,41,425/-	
	Late fee	500% of registration fee = Rs. 42,24,935	
	Total	Rs 53,11,347/-	
	DD Details		
	DD amount	Rs 2,41,420/- Rs 8,45,000/-	
	DD no. and date	500522 dated 02.09.2023 500538 dated 03.10.2023	
	Name of the bank issuing	ICICI Bank	
	Deficient amount	Rs 42,24,927/-	
21.	File Status	Date	
	File received on	05.09.2023	
	First notice Sent on	20.09.2023	
	First hearing on	25.09.2023	
	Second hearing on	16.10.2023	
	Third hearing on	30.10.2023	
22.	Case History:		
	<p>The Promoter M/s Celestial Estate Pvt. Ltd. who is a collaborator applied for the registration of real estate commercial colony namely "Iconic" located at Sector-71, Gurugram under section 4 of the Real Estate (Regulations and Development) Act, 2016 vide central receipt no. 58241 dated 05.09.2023 and RPIN-646. The Temp I.D. of REP - I (Part A-H) is RERA -GRG-PROJ-1415-2023. The project area for registration is same as that of the licensed area i.e., 3.409 acres vide License no -101 of 2011 dated 29.11.2011.</p> <p>After scrutiny of application submitted by the promoter Celestial Estate Pvt Ltd for registration of project under Section 4 of the Act of 2016, it is observed from the order of DTCP Haryana dated nil that licence of the company was cancelled by DTCP Haryana as the license was issued in favour of Celestial Estate Pvt Ltd and the compliance were being done by Earth Infrastructure Limited. Thereafter the company went under insolvency proceedings and Hon'ble NCLT passed the order dated 15.03.2021 stating that all statutory duties including taxes/cess/interest/penalty and other liabilities due to the operational creditors shall stand satisfied/waived off. The company namely HS Oberoi Buildtech Pvt Ltd as successful resolution applicant has taken over the developer company Celestial Estate Pvt Ltd. Further DTCP has directed the company to open an escrow account where the department will have first charge on the amount received in the said account. In view of the orders of Hon'ble NCLT and to safeguard interest of 400 allottees etc., DTCP Haryana has restored the license. Further DTCP Haryana has renewed the license in the name of Celestial Estate Pvt Ltd wherein DTCP has put certain conditions like opening of escrow account before registration in RERA and deposition of administrative charges on account of change in beneficial interest within 60 days of RERA registration. Earlier the license was issued in the name of landowners in collaboration with Celestial Estate Pvt Ltd but as on date as per jamabandi submitted by the promoter Celestial Estate Pvt Ltd is the land owner of the subject land and licence has been renewed in the name of only Celestial Estate Pvt Ltd.</p> <p>The application for registration was scrutinized and 1st deficiency notice vide notice no.</p>		



HARERA/GGM/RPIN/646 dated 20.09.2023 was issued to the promoter with an opportunity of being heard on 25.09.2023.

On 25.09.2023, Sh. Sumeet, Engineering Officer and Ms. Asha, Chartered Accountant briefed about the facts of the project. No reply has been submitted by the promoter company till 22.09.2023 against the deficiencies conveyed by the authority through notice dated 21.09.2023. Therefore, in view of the same the matter is adjourned, and the next date of hearing will be conveyed after submission of reply of deficiencies already conveyed.

Further, if no response is received from the promoter within next 4 week's time, in that case the concerned official to put up the matter on file for issuance of show cause notice as to why their application for registration of project may not be rejected following the due procedure under the Act of 2016.

The promoter has submitted the reply on 05.10.2023 which has been scrutinized and as per the directions of the authority the matter is fixed for hearing on 16.10.2023.

The promoter has submitted the representation to waive off the late fee stating that M/s Celestial Estate Pvt Ltd was under CIRP vide order dated 11.03.2019 of the Hon'ble NCLT. Further Hon'ble NCLT vide order dated 15.03.2021 approved the resolution plan of corporate debtor (Celestial Estate Pvt Ltd) and handed over the management control of corporate debtor to M/s HS Oberoi Buildtech Pvt Ltd (SRA-Successful Resolution Applicant) to resolve the project. The license of the project was cancelled by DTCP on 04.01.2017 and only after the revival of corporate debtor & after many deliberations the DGTCP restored the license and renewed it on 20.06.2023 and accordingly after that SRA could seek registration of project.

Further the applicant states that DGTCP has waived off the penal on account of delay in revalidation of building plans and charged only processing fee.

Hence the applicant hereby requests to waive off the late fee in the interest of reviving this stressed project and to help 400+ buyers.

On 16.10.2023, Sh. Sumeet, Engineering Officer and Ms. Asha Chartered Accountant briefed about the facts of the case. Sh. Manbeer Oberoi, Director of company (AR) is present on behalf of the promoter. The AR of the promoter requests for waiver of late fee for which they have submitted the representation along with their reply. The office to put up the same on file. Further the AR of the promoter is directed to remove the balance deficiencies as mentioned above. The AR of the promoter is also directed to submit the list of the existing allottees in the project and after that a public notice be issued in two leading newspapers in circulation in Delhi NCR i.e., one Hindi and One English to ascertain the list of allottees submitted by the promoter and objection to the same if any within 10 days of issue of public notice. The matter to come up on 30.10.2023.

The promoter has submitted the reply on 17.10.2023 & 23.10.2023 which have been scrutinized and the status of the documents is mentioned below;

23.	Present compliance status as on 30.10.2023 of the deficiencies conveyed in the hearing dated 16.10.2023.	<ol style="list-style-type: none">1. Deficit Fee- Rs 42,24,927/- needs to be submitted. Status: Not submitted. However, the promoter submitted the representation to waive off the current deficit fee which is late fee charged for late filing of application for registration of project. The same is reproduced above and also put up on file.2. The annexures in the online application are not uploaded as well as the correction needs to be done in the online (A-H) application. Status: Needs to be corrected3. Online DPI needs to be corrected. Status: Needs to be corrected4. The license has been issued in the name of landowners in
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		<p>collaboration with applicant company but as per Jamabandi land is owned by applicant company. The same needs to be clarified along with supporting documents. Status: The promoter submits that the land has been purchased by celestial from land owners and submitted in-principle approval of transfer of license.</p> <p>5. Fire Scheme approval needs to be submitted. Status: Affidavit submitted to submit the same at the earliest or within 90 days of registration.</p> <p>6. Approved Service plans and estimates needs to be submitted. Status: Affidavit submitted to submit the same at the earliest or within 90 days of registration.</p> <p>7. Approved demarcation plan needs to be submitted. Status: Letter submitted but plan needs to be submitted</p> <p>8. Copy of Electrical load availability needs to be submitted. Status: Submitted. Memo no. Ch.-44/DGR-26B dated 17.10.2023.</p> <p>9. Collaboration agreement if any needs to be submitted. Status: Promoter states that the same is not applicable however there is no clarity regarding license i.e., the applicant are collaborator or license holder as on date.</p> <p>10. Mutation certified on the latest date not more than six months prior from the date of application needs to be submitted. Status: Not submitted</p> <p>11. Non encumbrance certificate not below the rank of tehsildar needs to be submitted. Status: Not submitted however applied on 29.09.2023</p> <p>12. Approval of various agencies regarding the permission for external services like road access permission needs to be submitted. Status: Not submitted</p> <p>13. Pert chart needs to be submitted. Status: Needs to be revised</p> <p>14. Demarcation Plan superimposed on the approved layout plan needs to be submitted. Status: Not submitted</p> <p>15. Allottee related draft documents i.e., application form, allotment letter, BBA and Conveyance deed and payment receipt needs to be submitted as per prescribed format. Status: Needs to be revised</p> <p>16. Quarterly statement of expenditure (IDW) needs to be provided. Status: Not matched with DPI</p> <p>17. Project report needs to be revised. Status: Incomplete submitted</p> <p>18. Cash flow statement needs to be submitted. Status: Not matched with DPI</p> <p>19. CA certificate for expenditure incurred and to be incurred needs to be revised. Status: Needs to be revised</p>
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	<p>20. KYC of project consultant- Architect, structural Engineer, MEP consultant needs to be provided. Status: Not submitted</p> <p>21. Financial resources of the project needs to be met with project cost. Correction needs to be made in DPI. Status: Not done</p> <p>22. Undertaking regarding 10% auto deduct from separate account under section 4(2)(I)(D) for EDC needs to be submitted. Status: Promoter states that 100% EDC has been paid.</p> <p>23. Copy of paid challan of EDC, IDC and license fee needs to be provided. Status: Not submitted</p> <p>24. Bank undertaking needs to be submitted into prescribed format. Status: Details of signing authority needs to be mentioned on bank undertaking.</p> <p>25. Affidavit of promoter regarding arrangement with the bank of master account needs to be provided. Status: Needs to be revised</p> <p>26. As per MCA master data, companies present filing status INACTIVE due to defaulted in filing its statutory returns for the last two years i.e. 2016-17 & 2017-18. The same needs to be clarified. Status: Not clarified</p>
Remarks	<p>1. Deficit Fee- Rs 42,24,927/- needs to be submitted - Representation submitted to waive off the same and put up on file.</p> <p>2. The annexures in the online application are not uploaded as well as the correction needs to be done in the online (A-H) application.</p> <p>3. Online DPI needs to be corrected.</p> <p>4. The license has been issued in the name of landowners in collaboration with applicant company but as per Jamabandi land is owned by applicant company. The same needs to be clarified along with supporting documents. - In-principle approval of transfer of license submitted.</p> <p>5. Fire Scheme approval needs to be submitted.</p> <p>6. Approved Service plans and estimates needs to be submitted.</p> <p>7. Approved demarcation plan needs to be submitted.</p> <p>8. Collaboration agreement if any needs to be submitted.</p> <p>9. Mutation certified on the latest date not more than six months prior from the date of application needs to be submitted.</p> <p>10. Non encumbrance certificate not below the rank of tehsildar needs to be submitted.</p> <p>11. Approval of various agencies regarding the permission for external services like road access permission needs to be submitted.</p> <p>12. Pert chart needs to be revised.</p> <p>13. Demarcation Plan superimposed on the approved layout</p>



		<p>plan needs to be submitted.</p> <p>14. Allottee related draft documents i.e., application form, allotment letter, BBA and Conveyance deed and payment receipt needs to be submitted as per prescribed format.</p> <p>15. Quarterly statement of expenditure (IDW) needs to be provided.</p> <p>16. Project report needs to be revised.</p> <p>17. Cash flow statement needs to be submitted.</p> <p>18. CA certificate for expenditure incurred and to be incurred needs to be revised.</p> <p>19. KYC of project consultant- Architect, structural Engineer, MEP consultant needs to be provided.</p> <p>20. Financial resources of the project needs to be met with project cost. Correction needs to be made in DPI.</p> <p>21. Copy of paid challan of EDC, IDC and license fee needs to be provided.</p> <p>22. Bank undertaking needs to be submitted into prescribed format.</p> <p>23. Affidavit of promoter regarding arrangement with the bank of master account needs to be provided.</p> <p>24. As per MCA master data, companies present filing status INACTIVE due to defaulted in filing its statutory returns for the last two years i.e. 2016-17 & 2017-18. The same needs to be clarified.</p>
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Asha

Chartered Accountant


Sumeet

Engineering Officer

Day and Date of hearing Monday and 30.10.2023

Proceeding recorded by Ram Niwas

PROCEEDINGS OF THE DAY

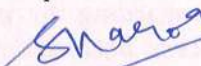
Sh. Sumeet, Engineering Officer and Ms. Asha Chartered Accountant briefed about the facts of the case.

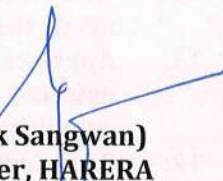
Sh. Akhilesh Lakhanlal Kamle (AR) is present on behalf of the promoter.


The promoter has submitted an application for waiver of the late fee of Rs 42,24,935/- being demanded for non-registration of the ongoing project on the date of commencement of Act/Rules. The license was granted in the year 2011 bearing No. 101 of 2011 and after approval of building plans, the sale purchase of the units have also been affected and hence is an ongoing project required to be registered. In view of the same the late fee is liable to be deposited by the respondent and application for its waiver cannot be considered.

The AR further submits that earlier the license was granted in favor of the landowners in collaboration with M/s Celestial Estate Pvt. Ltd. and the land was purchased from above owners in the year 2012 itself and an application for transfer of license was submitted and in principle approved by DTCP subject to compliance of conditions and payment of EDC/IDC. The AR confirms that the total amount of EDC/IDC has been paid and a formal letter of transfer is being issued by DTCP. The AR has submitted few documents today in the registry of Authority which be linked and examined. The AR further seeks two weeks' time for submission of deficit documents including the above late fee.

Matter to come up on 04.12.2023.


(Sanjeev Kumar Arora)
Member, HARERA


(Ashok Sangwan)
Member, HARERA


(Vijay Kumar Goyal)
Member, HARERA