

Project - Phase-III, Part 2 (Block T5- Tower T6, T7, T8, T9, T10, T11, T12) & (Block T4 - Tower T14)
RERA-GRG-1337-2023
Hearing brief for registration of Project u/s 4

| S.No. | Particulars | Details | |
|-------|--|--|---|
| 1. | Name of the project | Phase-III, Part 2 (Block T5- Tower T6, T7, T8, T9, T10, T11, T12) & (Block T4 - Tower T14) | |
| 2. | Name of the promoter | M/s Sare Gurugram Pvt. Ltd. (In CIRP) | |
| 3. | Nature of the project | Group Housing | |
| 4. | Location of the project | Sector- 92, Gurugram | |
| 5. | Legal capacity to act as a promoter | Not Clarified - (Development Manager authorized by NCLT to develop the project under IBC) | |
| 6. | Name of the license holder | S.A Infracon Pvt. Ltd. and Others | |
| 7. | Status of project | Ongoing | |
| 8. | Whether registration applied for whole | NO (In 7 phases) | |
| | Phase no. | 3 (Part 2) | |
| 9. | Online application ID | RERA-GRG-PROJ-1337-2023 | |
| 10. | License no. | 44 of 2009 dated 14.08.2009. 68 of 2011 dated 21.07.2011. | valid up to 13.08.2024. valid up to 29.07.2024. |
| 11. | Total licensed area | 48.8180 acres | Area to be registered 10.55 acres (FAR - 75,374.988 sqm) |
| 12. | Projected completion date | 31.12.2030. | |
| 13. | QPR Compliances (if applicable) | Not submitted as promoter said these complies was not fulfilled by earlier developer and they are developing the same under IBC so the same is not applicable. | |
| 14. | 4(2)(I)(D) Compliances (if applicable) | Not submitted as promoter said these complies was not fulfilled by earlier developer and they are developing the same under IBC so the same is not applicable. | |
| 15. | Statutory approvals either applied for or obtained prior to registration | | |
| | S.No | Particulars | Validity upto |
| | i) | License Approval | 13.08.2024. 29.07.2024. |
| | ii) | Zoning Plan Approval | |
| | | DRG. NO. DG,TCP 2643 dated 22.07.2011 | |
| | iii) | Revalidated Building plan Approval | 14.02.2022 Expired (Applied for re-validation) |
| | iv) | Environmental Clearance | 09.05.2017 (Expired) |
| | | Expansion of Environmental Clearance | 10.07.2024 |
| | v) | Airport height clearance | 01.08.2017 (Expired)- Clarification |

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| | | | submitted for non-renewal |
| | vi) | Fire scheme approval | FS/2023/408 dated 10.04.2023 |
| | vii) | Service plan and estimate approval | LC-1635-BJE(VA)/2013/30253 dated 06.02.2013 |
| 16. | Fee Details | | |
| | Registration Fee | | 75,374.988 * 1.75 * 10 = Rs 13,19,062/- |
| | Processing Fee | | 75,374.988 * 10 = Rs 7,53,750/- |
| | Late Fee | | 500% of the registration fee Rs 65,95,310/- |
| | Processing fee (charged at the time of application u/s 7(3) to be forfeited as the same rejected) | | Rs 7,53,750/- |
| | Total Fee | | Rs 94,21,872/- |
| 17. | RTGS amount | | Rs 5,00,000/- Rs 23,26,600/- |
| | RTGS no. and date | | 029908541661/18590069 and 02.11.2022 |
| | Name of the bank issuing | | INF/INFT/032356022511/BULD24575128/HA dated 29.05.2023 |
| | Deficient amount | | ICICI Bank Rs 65,95,272/- |
| 18. | File Status | | Date |
| | File received on | | 04.05.2023 |
| | First notice Sent on | | 24.05.2023 |
| | First hearing on | | 29.05.2023 |
| | Second hearing on | | 12.06.2023 |
| | Third hearing on | | 20.11.2023 |
| 19. | Case History: | | |
| | The Promoter M/s Sare Gurugram, Pvt. Ltd. applied for the registration of real estate group housing colony namely "Phase-III, Part 2 (Block T5- Tower T6, T7, T8, T9, T10, T11, T12) & (Block T4 - Tower T14)" located at Sector-92, Gurugram under section 4 of the Real Estate (Regulations and Development) Act, 2016 vide central receipt no. 52722 dated 04.05 .2023 and RPIN-613. The Temp I.D. of REP - I (Part A-H) is RERA -GRG-PROJ-1337-2023. | | |
| | The project area for registration is 10.55 acres and the licensed area is 48.8180 acres vide License no - 44 of 2009 dated 14.08.2009 which is valid upto 13.08.2024 and 68 of 2011 dated 21.07.2011 which is valid upto 29.07.2024. | | |
| | The project is to be developed in 7 phases. | | |
| | Details of Phases | Area | Registration no. |
| | Phase 1 | 4.23 acres | |
| | Phase 2 | 7.79 acres | |
| | Phase 3 (Part 1) | 6.89 acres | ----- |
| | | | OC Status |
| | | | OC obtained and possession handed over. Being managed by RWA |
| | | | OC obtained |

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T9, T10, T11, T12) & (Block T4 – Tower T14)**
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|-------------------------|--------------------------|-------------------------------------|--------------------------------------|
| Phase 3 (Part 2) | 10.55 acres | | Applied for registration u/s 4 |
| Phase 4 | 11.05 acres | 270 of 2017 Registration Expired | Applied for continuation u/s 7(3) |
| Phase 5 | 5.54 acres | 262 of 2017 Registration Expired | Applied for continuation u/s 7(3) |
| Phase 6 | 2.66 acres | 364 of 2017 Registration Expired | - |
| Phase 7 | 0.11 acres | 275 of 2017 Registration Expired | - |
| Total Area | 48.8180 acres | | |

The company is currently undergoing Corporate Insolvency Resolution Process ("CIRP") under the terms and provisions of the Insolvency and Bankruptcy Code, 2016 ("IBC") vide order passed by Hon'ble National Company Law Tribunal, Principal Bench ("Hon'ble NCLT") in the matter of Asset Care Reconstruction Enterprises Limited v. Sare Gurugram Private Limited in Company Petition No. (IB) 300/(PB)/ 2020. NCLT vide its order dated 9th March 2021 appointed Mr. Ajit Gyanchand Jain [IBBI/IPA-001/IP-P00368/2017-18/10625], as the interim resolution professional ("IRP") of M/s. Sare Gurugram Private Limited (formerly known as Ramprastha Sare Realty Private Limited) ("Corporate Debtor") and subsequently he has been confirmed as RP by the CoC in their second CoC meeting, to run Sare Gurugram Pvt. Ltd. during the period of CIRP for inter alia the revival and rehabilitation of the Company.

During the CIRP period, KGK-Dhoot Consortium (Between M/s KGK Realty (India) Pvt. Ltd. and M/s Dhoot Infrastructure Projects Ltd) has been selected as Successful Resolution Applicant and has been sent to NCLT for consideration. In the meantime, the CoC has appointed them as "Development Manager" and have executed necessary "Development Management Agreement" with them to run this company as ongoing concern under RP and obtain all approvals / registrations / extension of same etc.

Now, the promoter applied for the registration of Phase-3 (Part 2).

The application for registration of group housing colony was scrutinized and 1st deficiency notice vide notice no. HARERA/GGM/RPIN/613 dated 24.05.2023 was issued to the promoter with an opportunity of being heard on 29.05.2023.

On 29.05.2023, Sh. Ashish Kush, Planning Executive and Ms. Asha, Chartered Accountant briefed about the facts of the case. Sh. Janardhan (AR) and Sh. Kishore Kumar (AR) are present on behalf of the promoter. The AR of the promoter stated that the reply has been submitted on 26.05.2023. The office to examine the same. Further, the promoter requests to waive off the late fee imposed for delay in filing the application for registration. The AR is directed to submit the detailed representation regarding the same and the same to be put up on file before the Authority. The matter to come up on 12.06.2023.

The promoter has submitted two replies on 26.05.2023 and 30.05.2023 which were scrutinized and the remaining deficiencies were conveyed to the promoter.

On 12.06.2023, Sh. Ashish Kush, Planning Executive and Ms. Asha, Chartered Accountant briefed about the facts of the case. Sh. Kishor Kumar [AR] is present on behalf of the promoter. It was briefed by the AR of the promoter applicant that in the present matter, the original promoter was M/s Sare Gurugram Pvt. Ltd. (formerly known as Ramprastha Sare Realty Pvt. Ltd.) however, the licenses are in the name of M/s S.A. Infracon and others. M/s Sare Gurugram Pvt. Ltd. have

approached DTCP for transfer of license in their own name. In principle approval was issued by DTCP in favour of M/s Sare Gurugram Pvt. Ltd. (formerly known as Ramprastha Sare Realty Pw. Ltd.) vide Memo No. LC-163 5-II-IE(VA)-2013/36807 and 36804 both dated 17.04.2013. In terms of this in principle approval the title of land was transferred from M/s S.A. Infracon and others to M/s Sare Gurugram Pw. Ltd. (formerly known as Ramprastha Sare Realty Pvt. Ltd.) and submitted to the department. However, the administrative charges were not paid and in the meantime the company went to the NCLT.

NCLT admitted the case on 09.03.2021 by petition No. IB300(PB)2020 and appointed Mr. Ajit Gyan Chand Jain as IRP. Subsequently, the Committee of Creditors (FC and Home Buyers) have confirmed Mr. Ajit Gyan Chand Jain as RP who invited bids for taking over of the insolvent company. M/s K.G.K. -Dhoot Consortium was one of the bidders whose bid has been approved by COC with 100% voting. RP sent a proposal to NCLT for approval. In the meantime, RP M/s K.G.K. -Dhoot Consortium as Development Manager and RP applied for registration on behalf of M/s Sare Gurugram Pvt. Ltd. (formerly known as Ramprastha Sare Realty Pvt. Ltd.). On 24.04.2023 NCLT also approved the plan finally.

In terms of the plan the liability of financial creditors to be discharged in 48 months from the date of approval of the plan. Also, the home buyers flat need to be delivered within 36 months of the approval. As on date M/s Sare Gurugram Pvt. Ltd. (formerly known as Ramprastha Sare Realty Pvt. Ltd.) does not have Board of Directors and the M/s K.G.K. -Dhoot Consortium will induct new directors periodically as per instructions of NC LT order dated 23.04.2023.

The applicant (M/s Sare Gurugram Pvt. Ltd. (formerly known as Ramprastha Sare Realty Pvt. Ltd.) is now requesting the following:

1. Waiver of late fee of Rs. 65,95,310/-, on account of the fact that the present applicant has been inducted vide order dated 23.04.2023 as a consequence of resolution plan approved by NCLT and dues/proceedings/liabilities qua the insolvent company are not required to be paid by the successor company post resolution plan.
2. The grant of the registration under section 4 of the Act of 2016 without COD as mentioned in the renewal of license dated 09.09.2022

It was decided to place the matter before the Authority for consideration and decision.

The promoter has submitted a representation dated 30.06.2023 regarding the Waiver of late fee of Rs 65,95,310/-, on account of the fact that the present applicant has been inducted vide order dated 23.04.2023 as a consequence of resolution plan approved by NCLT and dues/ proceedings/ liabilities qua the insolvent company are not required to be paid by the successor company post resolution plan.

As per the directions of the Authority the hearing is fixed for 20.11.2023.

The status of documents is mentioned below.


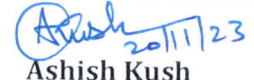
| | | |
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| 20. | Present compliance status as on 20.11.2023 of deficient documents conveyed in hearing dated 12.06.2023. | <ol style="list-style-type: none"> 1. COD/ BIP permission needs to be submitted as the legal capacity of the application in not clear. Further, it is also a condition of the renewal of license. Status: Not Submitted. 2. Deficit Fee Rs 65,95,272/- needs to be submitted. Status: Not Submitted. 3. 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. 4. Online DPI needs to be corrected. |
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| | | <p>Status: Not Submitted.</p> <p>5. Revalidated building plan needs to be submitted. Status: Not Submitted.</p> <p>6. Mutation and Jamabandi submitted but needs to be clarified. However, Aks-shajra needs to be submitted. Status: Not Submitted.</p> <p>7. Land title search report needs to be submitted. Status: Not Submitted.</p> <p>8. Tree Cutting permission, Forest Land diversion and Powerline shifting NOC (if applicable) otherwise the affidavit for non-applicability needs to be submitted. Status: Not Submitted.</p> <p>9. Copy of demarcation plan superimposed on the layout plan alongwith the demarcation of all the phases needs to be submitted. Status: Not Submitted.</p> <p>10. Pert chart needs to pbe revised. Status: Not Submitted.</p> <p>11. Draft Application form needs to be submitted. Status: Not Submitted.</p> <p>12. Draft Allotment letter needs to be revised as per the prescribed format. Status: Not Submitted.</p> <p>13. Draft BBA needs to be revised as per the prescribed format. Status: Not Submitted.</p> <p>14. Draft Conveyance deed needs to be submitted. Status: Not Submitted.</p> <p>15. Draft brochure needs to be submitted. Status: Not Submitted.</p> <p>16. Project report needs to be revised. Status: Not Submitted.</p> <p>17. CA certificate for Expenditure to be incurred and incurred needs to be corrected. Status: Not Submitted.</p> <p>18. Loan sanction letter, disbursement and repayment schedule needs to be submitted. Status: Not Submitted.</p> <p>19. Copy of sales deed submitted but needs to be clarified. Status: Not Submitted.</p> <p>20. Affidavit of promoter regarding arrangement with the bank of master account needs to be revised. Status: Not Submitted.</p> <p>21. Non encumbrance certificate not below the rank of tehsildar needs to be submitted. Status: Not Submitted.</p> <p>22. Board resolution for operation of bank account needs to be submitted. Status: Not Submitted.</p> <p>23. KYC of person authorised of bank account needs to be</p> |
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| | | <p>submitted. Status: Not Submitted.</p> <p>24. Cash flow statement needs to be corrected. Status: Not Submitted.</p> <p>25. REP II needs to be submitted. Status: Not Submitted.</p> <p>26. Land cost needs to be clarified as per area apply for registration, needs to be clarified. Status: Not Submitted.</p> <p>27. Rate of EDC, IDC and conversion charges needs to be filled as per LOI. However, copy of paid challan of EDC and IDC needs to be submitted. Status: Not Submitted.</p> |
| 21. | Remarks | <ol style="list-style-type: none"> 1. COD/ BIP permission needs to be submitted as the legal capacity of the application in not clear. Further, it is also a condition of the renewal of license. 2. Deficit Fee Rs 65,95,272/- needs to be submitted. 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. Online DPI needs to be corrected. 5. Revalidated building plan needs to be submitted. 6. Mutation and Jamabandi submitted but needs to be clarified. However, Aks-shajra needs to be submitted. 7. Land title search report needs to be submitted. 8. Tree Cutting permission, Forest Land diversion and Powerline shifting NOC (if applicable) otherwise the affidavit for non-applicability needs to be submitted. 9. Copy of demarcation plan superimposed on the layout plan alongwith the demarcation of all the phases needs to be submitted. 10. Pert chart needs to pbe revised. 11. Draft Application form needs to be submitted. 12. Draft Allotment letter needs to be revised as per the prescribed format. 13. Draft BBA needs to be revised as per the prescribed format. 14. Draft Conveyance deed needs to be submitted. 15. Draft brochure needs to be submitted. 16. Project report needs to be revised. 17. CA certificate for Expenditure to be incurred and incurred needs to be corrected. 18. Loan sanction letter, disbursement and repayment schedule needs to be submitted. 19. Copy of sales deed submitted but needs to be clarified. |

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|  Asha Chartered Accountant |  Ashish Kush Planning Executive |
| Day and Date of hearing | Monday and 20.11.2023 |
| Proceeding recorded by | Ram Niwas |

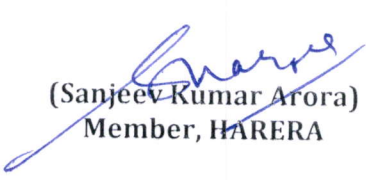
PROCEEDINGS OF THE DAY

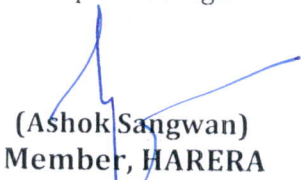
Proceedings dated: 20.11.2023.


Sh. Ashish Kush, Planning Executive and Ms. Asha, Chartered Accountant briefed about the facts of the case. Sh. Janardhan (AR) and Sh. Kishore Kumar (AR) are present on behalf of the promoter. The AR of the promoter states that the requisite fee as already conveyed by the Authority will be deposited. The BIP/COD approval has been granted 'in-principle' by the DGTCP and final approval of permission is under consideration of DGTCP. The AR of the promoter requests for 90 days time to submit the same.

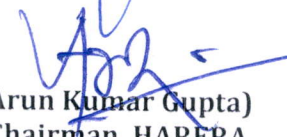
Regarding the old allottees of the project, the AR states that all the allottees whose claims had been accepted under the CIRP shall be accommodated in the project. However, certain allottees who had not filed their claims during the CIRP proceedings later approached NCLT. After rejection their claim by the NCLT, they have filed appeal in the NCLAT and the decision is pending. The claims of those allottees shall be decided as per decision of the NCLAT. He further stated that the requisite fees as demanded by the Authority shall be deposited within a period of one week and an undertaking w.r.t. the compliance of the decision of NCLAT alongwith other deficiencies, if already not cleared shall also be rectified.

The Matter to come up on 04.12.2023 for further proceedings.


 (Sanjeev Kumar Arora)
 Member, HARERA


 (Ashok Sangwan)
 Member, HARERA


 (Vijay Kumar Goyal)
 Member, HARERA


 (Arun Kumar Gupta)
 Chairman, HARERA

