

**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	44 of 2009 dated 14.08.2009. 68 of 2011 dated 21.07.2011. 13.08.2024. 29.07.2024.
	ii)	Zoning Plan Approval	DRG. NO. DG,TCP 2643 dated 22.07.2011
	iii)	Revalidated Building plan Approval	Z-562/SD(BS)/2017/17147 dated 18.07.2017 14.02.2022 Expired (Applied for re-validation) Occupation certificate vide memo no. ZP-562-II/PA(DK)/2023/12361 dated 28.04.2023
	iv)	Environmental Clearance	SEIAA/HR/10301 dated 10.05.2010 09.05.2017 (Expired)

	Expansion of Environmental Clearance	SEIAA/HR/2014/935 dated 11.07.2014	10.07.2024
v)	Airport clearance height	AAI/NOC/2009/3221/232-1236 dated 02.08.2012	01.08.2017 (Expired)- Clarification 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 INF/INFT/032356022511/BULD24575128/HA dated 29.05.2023	
	DD amount	Rs 65,95,400/-	
	DD no. and date	970064 dated 23.11.2023	
	Name of the bank issuing	ICICI Bank	
	Deficient amount	NIL	
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	
	Fourth hearing on	04.12.2023	
19.	Case History:		
	<p>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.</p> <p>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.</p> <p>The project is to be developed in 7 phases.</p>		

**Project - Phase-III, Part 2 (Block T5- Tower T6, T7, T8,
T9, T10, T11, T12) & (Block T4 - Tower T14)
RERA-GRG-1337-2023**

Details of Phases	Area	Registration no.	OC Status
Phase 1	4.23 acres		OC obtained and possession handed over. Being managed by RWA
Phase 2	7.79 acres		
Phase 3 (Part 1)	6.89 acres	-----	OC obtained
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(VAJ-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.

On 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

**Project – Phase-III, Part 2 (Block T5- Tower T6, T7, T8,
T9, T10, T11, T12) & (Block T4 – Tower T14)
RERA-GRG-1337-2023**

	<p>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.</p> <p>The promoter has submitted a reply on 24.11.2023 which was scrutinized and the status of documents is mentioned below.</p>	
<p>20.</p>	<p>Present compliance status as on 04.12.2023 of deficient documents conveyed in hearing dated 20.11.2023.</p>	<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: Submitted a DD vide no. 970064 dated 23.11.2023 amounting Rs 65,95,400/-. 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. Status: Not Submitted. 5. Revalidated building plan needs to be submitted. Status: Not Submitted. However, Occupation certificate vide memo no. ZP-562-II/PA(DK)/2023/12361 dated 28.04.2023 has been submitted. 6. Mutation and Jamabandi submitted but needs to be clarified. However, Aks-shajra needs to be submitted. Status: Not Submitted. 7. Land title search report needs to be submitted. Status: Not Submitted. 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. 9. Copy of demarcation plan superimposed on the layout plan alongwith the demarcation of all the phases needs to be submitted. Status: Not Submitted. 10. Pert chart needs to be revised. Status: Not Submitted. 11. Draft Application form needs to be submitted. Status: Not Submitted. 12. Draft Allotment letter needs to be revised as per the prescribed format. Status: Not Submitted.

Project – Phase-III, Part 2 (Block T5- Tower T6, T7, T8, T9, T10, T11, T12) & (Block T4 – Tower T14)
RERA-GRG-1337-2023

		<ol style="list-style-type: none"> 13. Draft BBA needs to be revised as per the prescribed format. Status: Not Submitted. 14. Draft Conveyance deed needs to be submitted. Status: Not Submitted. 15. Draft brochure needs to be submitted. Status: Not Submitted. 16. Project report needs to be revised. Status: Not Submitted. 17. CA certificate for Expenditure to be incurred and incurred needs to be corrected. Status: Not Submitted. 18. Loan sanction letter, disbursement and repayment schedule needs to be submitted. Status: Not Submitted. 19. Copy of sales deed submitted but needs to be clarified. Status: Not Submitted. 20. Affidavit of promoter regarding arrangement with the bank of master account needs to be revised. Status: Not Submitted. 21. Non encumbrance certificate not below the rank of tehsildar needs to be submitted. Status: Not Submitted. 22. Board resolution for operation of bank account needs to be submitted. Status: Not Submitted. 23. KYC of person authorised of bank account needs to be submitted. Status: Not Submitted. 24. Cash flow statement needs to be corrected. Status: Not Submitted. 25. REP II needs to be submitted. Status: Not Submitted. 26. Land cost needs to be clarified as per area apply for registration, needs to be clarified. Status: Not Submitted. 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.
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. The annexures in the online application are not uploaded as well as correction needs to be done in the online (A-H) application. 3. Online DPI needs to be corrected. 4. Revalidated building plan needs to be submitted. 5. Mutation and Jamabandi submitted but needs to be clarified. However, Aks-shajra needs to be submitted.

**Project – Phase-III, Part 2 (Block T5- Tower T6, T7, T8,
T9, T10, T11, T12) & (Block T4 – Tower T14)
RERA-GRG-1337-2023**

		<ol style="list-style-type: none"> 6. Land title search report needs to be submitted. 7. Tree Cutting permission, Forest Land diversion and Powerline shifting NOC (if applicable) otherwise the affidavit for non-applicability needs to be submitted. 8. Copy of demarcation plan superimposed on the layout plan alongwith the demarcation of all the phases needs to be submitted. 9. Pert chart needs to be revised. 10. Draft Application form needs to be submitted. 11. Draft Allotment letter needs to be revised as per the prescribed format. 12. Draft BBA needs to be revised as per the prescribed format. 13. Draft Conveyance deed needs to be submitted. 14. Draft brochure needs to be submitted. 15. Project report needs to be revised. 16. CA certificate for Expenditure to be incurred and incurred needs to be corrected. 17. Loan sanction letter, disbursement and repayment schedule needs to be submitted. 18. Copy of sales deed submitted but needs to be clarified. 19. Affidavit of promoter regarding arrangement with the bank of master account needs to be revised. 20. Non encumbrance certificate not below the rank of tehsildar needs to be submitted. 21. Board resolution for operation of bank account needs to be submitted. 22. KYC of person authorised of bank account needs to be submitted. 23. Cash flow statement needs to be corrected. 24. REP II needs to be submitted. 25. Land cost needs to be clarified as per area apply for registration, needs to be clarified. 26. 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.
--	--	--

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 above mentioned documents.

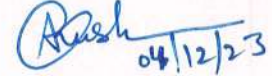
The promoter has filed a case in the Hon'ble High Court and vide order dated 31.10.2023 in CWP no. 24511-2023, it has been directed to issue appropriate orders, as expeditiously as possible, preferably within six weeks from the date of order.

The Occupation certificate vide memo no. ZP-562-II/PA(DK)/2023/12361 dated 28.04.2023 for the applied area has been received. In the interest of the existing allottees, it is recommended that the Authority may consider the grant of registration subject to the submission of above and the rectification of deficiencies

alongwith submission of the COD/Transfer of license in the Authority shall be done before any further sale in the above said project.


Asha

Chartered Accountant


04/12/23

Ashish Kush

Planning Executive

Day and Date of hearing	Monday and 04.12.2023
Proceeding recorded by	Ram Niwas

PROCEEDINGS OF THE DAY

Proceedings dated: 04.12.2023.

Sh. Ashish Kush, Planning Executive and Ms. Asha, Chartered Accountant briefed about the facts of the case. Sh. Kishor Kumar [AR] and Sh. Janardhan (AR) are present on behalf of the promoter.

It was briefed by the AR of the promoter applicant that 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. vide Memo No. LC-163 5-II-IE(VAJ-2013/36807 and 36804 both dated 17.04.2013. In terms of this in principle approval the title of land has been transferred from M/s S.A. Infracon and others to M/s Sare Gurugram Pvt. Ltd. and submitted to the department. However, in the meantime the company went to the NCLT.

The Hon'ble NCLT admitted the case on 09.03.2021 by petition No. IB300(PB)2020 and appointed Mr. Ajit Gyan Chand Jain as IRP. Further, In the 7th CoC Meeting held on 17.12.2021, it was informed by RP to the members of CoC that Resolution Plans were received from 6 PRAs. The Coc, in its commercial wisdom after examining the feasibility and viability of the 6 Resolution Plans, approved the Resolution Plans of "Consortium of KGK Realty (India) Private Limited ("Successful Resolution Applicant" (SRA)) with 100% votes its favour in terms of section30(4) of the Code. On 24.04.2023, Hon'ble NCLT also approved the plan finally.

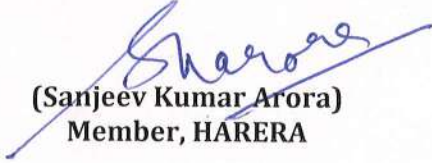
In terms of the plan the liability of financial creditors is to be discharged in 48 months from the date of approval of the plan. Also, the home buyers flat need to be delivered within 36 months of the approval. As on date M/s Sare Gurugram Pvt. Ltd. (formerly known as Ramprastha Sare Realty Pvt. Ltd.) 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 promoter has filed a case in the Hon'ble High Court and vide order dated 31.10.2023 in CWP no. 24511-2023, it has been directed to issue appropriate orders, as expeditiously as possible, preferably within six weeks from the date of order. The promoter stated that the applied area for registration was inadvertently left out at the time of registration in the Interim RERA, Panchkula. Now, the promoter has applied for the registration of the left out area. The Authority has levied the late fee of Rs 65,95,310/- as the project is ongoing and request for waiver of late fees is not considered.

Now, the promoter has submitted the late fee and stated that they had already obtained the Occupation certificate vide memo no. ZP-562-II/PA(DK)/2023/12361 dated 28.04.2023 for the applied area and requested the Authority to grant the registration certificate which will enable the promoter to hand over the possession to the existing allottees and availability of loan for completion of the project for the existing allottees and execution of conveyance deed in their favour.

The OC for the applied area has been already obtained and the late fee also deposited. The matter is unique in the way that the applicant/ promoter has been appointed as a result of resolution proceedings in the Hon'ble NCLT and has been assigned the responsibility to deliver the units to existing allottees. This being a stressed project and now revived by Hon'ble NCLT under IBC Act, 2016 in the interest of allottees, the authority decides to grant the registration certificate only to the extent of facilitating the handing over of

allotted units and execution of conveyance deeds of existing allottees. The rectification of deficiencies and submission of the COD/Transfer of license in the Authority shall be done before any further sale in the above said project. An undertaking to this effect shall be submitted that no further sale/booking of any unsold unit should be made prior to seeking of COD/Transfer of license from DTCP and its submission in the Authority.


(Sanjeev Kumar Arora)
Member, HARERA


(Ashok Sangwan)
Member, HARERA


(Vijay Kumar Goyal)
Member, HARERA


(Arun Kumar Gupta)
Chairman, HARERA

