

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

 Project
 Promoter

 Yashika 104
 M/s Apricus Hills Pvt. Ltd.

PROJECT HEARING BRIEF			
SNo.	Particulars	Details	
1.	Name of the project	Yashika 104	
2.	Name of the promotor	M/s Apricus Hills Pvt. Ltd	
3.	Nature of the project	Affordable Group Housing Project	
4.	Location of the project	Sector- 104, Gurugram	
5.	Legal capacity to act as a promoter	Collaborator	
6.	Name of the license holder	Dharmbir, Ajay, Vijay S/o Nandram, Swikar, Rahul Ss/o Naseeb, Manoj, Arun Ss/o Bala D/o Nandram, Gayatri D/o Bala	
7.	Whether registration applied for whole	Whole	
8.	License no.	101 of 2021	Valid up to 11.08.2026
9.	Total licensed area	5.0375 Acres	Area to be registered 5.0375 Acres
10.	Statutory approvals either applied for or obtained prior to registration		
	S.No	Particulars	Validity up to
	i)	License Approval	07.12.2026
	ii)	Zoning Plan Approval	
	iii)	Building plan Approval	13.02.2027
	iv)	Environmental Clearance	Not submitted. Applied on 15.03.2022
	v)	Airport height clearance	23.01.2030
	vi)	Fire scheme approval	Not Submitted. Applied on 07.03.2022
	vii)	Service plan and estimate approval	Not Submitted. Applied on 08.03.2022

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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 अर्हत गठित प्राधिकरण

भारत की संसद द्वारा पारित 2016 का अधिनियम संख्यांक 16

	viii)	Electricity load availability connection	20.12.2021
11.	File Status		Date
	Project received on		28.03.2022
	First notice sent on		08.04.2022
	1 st reply submitted on		11.04.2022
	2 nd reply submitted on		13.04.2022
	3 rd reply submitted on		18.04.2022
	1 st hearing on		18.04.2022
	4 th reply submitted on		29.04.2022
	2 nd hearing on		02.05.2022
	5 th reply submitted on		06.05.2022
	3 rd hearing on		09.05.2022
	4 th hearing on		16.05.2022
	5 th hearing on		23.05.2022
Case history-			
<p>The promoter i.e. M/s Apricus Hills Pvt. Ltd. has applied on dated 28.03.2022 for registration of their affordable group housing project, namely, "Yashika 104" in Sector 104, Gurugram under section 4 of Real Estate (Regulation and Development), Act 2016. This application is for registration of affordable group housing project admeasuring an area of 5.0375 acres for which the license no 101 of 2021 dated 08.12.2021 valid upto 07.12.2026 has been issued by DTCP in favour of Dharmbir, Ajay, Vijay and others in collaboration with M/s Apricus Hills Pvt. Ltd.</p>			

The application pertains to 7 residential towers comprising of 704 dwelling units and two commercial blocks being developed by M/s Apricus Hills Pvt. Ltd.

On scrutiny of application, it was found that there were deficiencies in the application which have been conveyed to the promoter through first deficiency notice.

Further, the authority is in receipt of complaint vide central receipt no. 14465/29559 dated 09.03.2022 requesting not to provide RERA registration to M/s Apricus Hills Pvt Ltd. for development of project over the land of which Rect. No. 18, Killa no. 18/2 (5-13) and 19/2 (5-11) situated in revenue estates of Dhanwapur, Tehsil Kadipur, Gurugram is a part. The complainant states that land owners addressed in the complaint have accepted advance payment from M/s Deziere Homesquare Pvt. Ltd. for the sale of land under consideration while they had already entered into collaboration agreement with M/s Apricus Hills Pvt. Ltd. for development on the same land.

Scrutiny of reply dated 11.04.2022

1. Natural conservation zone NOC needs to be submitted.
Status: Submitted
2. Forest land diversion NOC needs to be submitted.
Status: Submitted
3. Tree cutting permission needs to be submitted.
Status: Submitted
4. Power line shifting NOC needs to be submitted.
Status: Submitted
5. An undertaking from the promoter regarding EDC to ensure that the 10% of total receipts in project RERA account should be transferred in state treasury account until it is fully paid needs to be submitted.
Status: Submitted
6. Cost of EDC and IDC needs to be clarified, schedule of payment of EDC and IDC needs to be provided.
7. Copy of sanctioned building plans for commercial blocks need to be submitted.

Status: Submitted**Scrutiny of reply dated 13.04.2022**

1. Approved environmental clearance needs to be submitted.

Status: Applied on 15.03.2022

2. Non- default certificate needs to be revised.

Status: Submitted

3. The authority is in receipt of a complaint regarding the project land. A copy of complaint has been shared with the promoter. A clarification regarding the allegations made in the complaint needs to be submitted.

Status: Submitted

4. KYC of the person authorized to operate the bank account needs to be provided.

Status:**Proceedings dated 18.04.2022**

Ar. Neeraj Gautam, Associate Architectural Executive briefed the facts about the case.

Sh. Dheeraj Yadav (Director), Sh. Amit Yadav (Authorised Signatory) and Sh. Vishamber Shokeen (AR) are present on the behalf of the promoter. A complaint has been received where it is apprehended that there can be some land title dispute. Complaint is referred to Sh. Dharam Pal, Retd. DRO to conduct fact finding inquiry and submit report within 2 weeks. He shall be paid an honorarium of Rs. 25,000/- to be paid by the promoter through registry of the Authority. Meanwhile the necessary deficiencies be rectified, and deficit documents be submitted.

Copy of the complaint be also handed over to the promoter for submission of reply, if not submitted earlier.

The matter to come up on 02.05.2022.

Scrutiny of reply dated 18.04.2022

1. Deficit fee of Rs. 1,912/- needs to be paid.

Status: paid through DD no. 322327 dated 13.04.2022

2. LC- IV duly stamped and signed by Director, Town and Country Planning, Haryana needs to be submitted.
Status: Submitted
3. Revised project report needs to be submitted.
Status: Submitted
4. Approved environmental clearance needs to be submitted.
Status: Applied on 15.03.2022
5. Approved fire scheme plans along with sanction letter needs to be submitted.
Status: Applied on 07.03.2022
6. Copy of approved service estimates and plans along with sanction letter from DTCP, Haryana needs to be submitted.
Status: Applied on 08.03.2022
7. PERT chart needs to be submitted.
Status: Submitted
8. Draft conveyance deed and BBA needs to be submitted in prescribed format.
Status: Submitted
9. Cost of Land needs to be clarified.
Status: Clarified
10. Directors report for the financial year 2019-20 and 2020-21 needs to be provided.
Status: Submitted
11. Legible copy of pan of Raman Grover needs to be submitted.
Status: Submitted
12. Electrical load availability connection needs to be submitted.
Status: acknowledgement submitted. Approval not granted.

Proceedings dated 18.04.2022

Ar. Neeraj Gautam, Associate Architectural Executive briefed the facts about the case.

Sh. Dheeraj Yadav (Director), Sh. Amit Yadav (Authorised Signatory) and Sh. Vishamber Shokeen (AR) are present on the behalf of the promoter. A complaint has been received where it is apprehended that there can be some land title dispute. Complaint is referred to Sh. Dharam Pal, Retd. DRO to conduct fact finding inquiry and submit report within 2 weeks. He shall be paid an

honorarium of Rs. 25,000/- to be paid by the promoter through registry of the Authority. Meanwhile the necessary deficiencies be rectified, and deficit documents be submitted.

Copy of the complaint be also handed over to the promoter for submission of reply, if not submitted earlier. The matter to come up on 02.05.2022.

Scrutiny of reply dated 29.04.2022

1. Copy of information to revenue department regarding the fact that project land is licensed and bonded for setting up of a colony needs to be submitted.
Status: Submitted
2. Non- encumbrance certificate needs to be provided on the basis of latest Jamabandi.
Status: NEC submitted based on jamabandi for year 2005-06
3. Project proponent form needs to be submitted.
Status: Submitted
4. Board resolution authorized to operate the bank account needs to be submitted.
Status: Submitted
5. Electrical load availability connection needs to be submitted.
Status: Submitted
6. CA certificate for the quarterly source of fund needs to be submitted.
Status: Submitted

Finding of the report submitted by the enquiry officer dated 02.05.2022

1. That the alleged agreement dated 10.01.2022 was never executed between the complainant and land owners.
2. As per mutation no. 5869 sanctioned on 17.06.2021, Sh Dharambir, Ajay, Vijay are only owners of Rect. No. 18//8/2/2 (5K-03M) and not 5K-13M.
3. The complaint filed by M/s Desire Homesquare Pvt. Ltd. is not supported by any documentary evidence.
4. The collaboration agreement and Power of Attorney dated 26.12.2019 are validly executed and registered by landowners in favour of M/s Apricus Hills Pvt. Ltd. to develop affordable group housing for which relevant license and permissions have already been obtained.

5. That Dharambir, Ajay, Vijay, Swikar, Rahul Kumar , Manoj, Arun and Gayatri are landowners who executed collaboration agreement and power of attorney in favour of M/s Apricus Hills Pvt. Ltd. on 26.12.2019. i.e., much before 10.01.2022

Proceedings dated 02.05.2022

Ar. Neeraj Gautam, Associate Architectural Executive briefed the facts about the case.

Sh. Amit Yadav (DGM Projects), Dheeraj Yadav (Director), Sh. Vishamber Shokeen(AR) and Ms. Penny (AR) are present on the behalf of the promoter.

The promoter has made requisite changes in online DPI and form REP- I (Part A-H) and the hard copies of the same are yet to be submitted in the authority. The report by Enquiry Officer in the matter of complaint filed by M/s Dezire Homesquare Pvt. Ltd. regarding land title dispute is received in the Authority today and the enquiry officer submits that the complainant is not entitled for any relief sought for and the alleged agreements were never executed between the complainant and the land owners. The Enquiry Officer be asked to attend next hearing and to explain the basis of recommendation and in the meanwhile the Planning Executive as well as Sr. Legal Officer to also examine the report and submit.

The matter to come up for compliance on 09.05.2022

Document submitted on 06.05.2022

The promoter submitted a request vide central receipt no. 15382/32235 dated 06.05.2022 for short adjournment of hearing scheduled on 09.05.2022 to one week due to non availability of the promoter owing to a personal emergency.

Proceedings dated 09.05.2022

Ar. Neeraj Gautam, Associate Architectural Executive briefed the facts about the case. No one is present on the behalf of the promoter.

The promoter submitted a request vide central receipt no. 15382/32235 dated 06.05.2022 for short adjournment of hearing scheduled on 09.05.2022 to one week due to non availability of the promoter owing to a personal emergency. The promoter is directed to submit the deficit documents in the Authority before the next date of hearing which are listed below:

	<ol style="list-style-type: none"> 1. Hard copy of corrected online DPI needs to be submitted. 2. Approved environmental clearance needs to be submitted. 3. Approved fire scheme plans along with sanction letter needs to be submitted. 4. Copy of approved service estimates and plans along with sanction letter from DTCP, Haryana needs to be submitted. <p>On request of the promoter, the matter is adjourned to 16.05.2022.</p> <p>Proceedings dated 16.05.2022</p> <p>Ar. Neeraj Gautam, Associate Architectural Executive briefed the facts about the case.</p> <p>Sh. Dheeraj Yadav (Director), Sh. Amit Yadav (Authorised Signatory), Sh. Vishamber Shokeen (AR) and Ms. Penny (AR) are present on the behalf of the promoter. A complaint was received in the Authority where it is apprehended that there can be some land title dispute. The complaint was referred to Sh. Dharam Pal, Retd. DRO to conduct fact finding inquiry and a detailed report was submitted by Inquiry Officer. A copy of the report submitted by the Inquiry Officer be sent to the complainant and the complainant be also given an opportunity of hearing on 23.05.2022.</p> <p>The matter to come up on 23.05.2022. On 23.05.2022, matter is adjourned to 25.05.2022.</p>
12.	<p>Deficit documents</p> <ol style="list-style-type: none"> 1. Approved environmental clearance needs to be submitted. Status: Applied on 15.03.2022 2. Approved fire scheme plans along with sanction letter needs to be submitted. Status: Applied on 07.03.2022 3. Copy of approved service estimates and plans along with sanction letter from DTCP, Haryana needs to be submitted. Status: Applied on 08.03.2022 4. Two bank guarantees of Rs. 25 lakhs each on count of timely submission of documents mentioned on S. No. 2 and 3.
<p>Rehearing 25.05.2022</p> <p>The promoter has declared Mr. Raman Grover and Mr. Dheeraj Yadav as the directors of the company M/s Apricus Hills Pvt. Ltd. Vide Dak receipt ID 31874 dated 29.04.2022 whereas as per the master company</p>	

data available at the site of Ministry of Corporate Affairs Mr. Prince Kumar and Mr. Ravi Kumar Roy are the directors of the company w.e.f 28.03.2022.

Meanwhile, the promoter submitted an affidavit that the promoter had applied for RERA registration on 28.03.2022 and Dheeraj Yadav and Raman Grover were the directors on the said date and as on date the directors of the promoter company M/s Apricus Hills Pvt. Ltd. are Amit Yadav, Raman Grover and Heera Bisht and a copy of order of National Company law Tribunal, New Delhi dated 09.05.2022 which says "Status quo ante as on 03.03.2022 of the board and shareholding of R1 Company is granted till next date of hearing".

Keeping in view the above, it is recommended that the Authority may grant registration to the promoter subject to the submission of two bank guarantees on 25 lakhs each on account of submission of approved fire scheme and approved service plans and estimates in the Authority within three months from the date of grant of registration. In case of failure to submit the above documents within stipulated time, the Authority may be free to forfeit the bank guarantees.

N Kanboj
25.05.2022
Chartered Accountant
(Naresh Kumar)

Neeraj
25/5/22
Associate Architectural Executive
(Ar. Neeraj Gautam)

Day and Date of hearing	Wednesday and 25.05.2022
Proceeding recorded by	Sh. Ram Niwas

REPRESENTED THROUGH

Sr. no.	Name	Designation	Mobile No.	E-mail
1.	Penny	AR	8168323486	cspenny0112@gmail.com
2.	Vishamber Shokeen	AR	9873444077	csvishushokeen@gmail.com
3.	Amit Yadav	AS	9999661662	apricushills2021@gmail.com
4.	Dheeraj YAdav	Director	9911544844	ashirwad.indianoil@gmail.com

PROCEEDINGS OF THE DAY

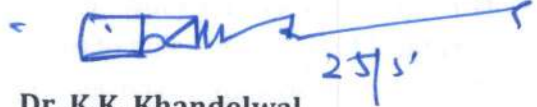
Proceedings dated 25.05.2022

Ar. Neeraj Gautam, Associate Architectural Executive briefed the facts about the case.


Sh. Amit Yadav (AS), Sh. Dheeraj Yadav (Director), Sh. Vishamber Shokeen(AR) and Ms. Penny (AR) are present on the behalf of the promoter.

Approved as recommended above.

Vijay Kumar Goyal
Member, HARERA, Gurugram


Dr. K.K. Khandelwal
Chairman, HARERA, Gurugram

The promoter has submitted bank guarantee no. FBGI01002200055 dated 31.05.2022 and the bank guarantee no. FBGI01002200056 dated 31.05.2022 each amounting to Rs. 25 lakhs


Neeraj Gautam
(AAE)