

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	License Holder (sale deed dated 07.03.2012)	
6.	Name of license holder	M/s Celestial Estate Pvt. Ltd. (sale deed dated 07.03.2012 and license renewal order of DGTCP dated 20.06.2023)	
7.	Status of project	Ongoing	
8.	Whether registration applied for whole/phase	Whole Project	
9.	Completion date as mentioned in REP-II	31.12.2025 (Revised)	
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	Date of approval
			Validity upto
	i)	License Approval	101 of 2011 dated 29.11.2011
			28.11.2024
	ii)	Zoning Plan Approval	DRG. NO. DG,TCP 2908 dated 30.11.2011
			N/A
	iii)	Building plan Approval	ZP-765/JD(BS)/2012/5953 dated 24.04.2012
			23.04.2017
			Revalidation - ZP-765/JD(RA)/2023/31558 dated 21.09.2023
			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
	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/- Rs 42,24,927/-	
		DD no. and date	500522 dated 02.09.2023 500538 dated 03.10.2023 500553 dated 05.12.2023	
		Name of the bank issuing	ICICI Bank	
		Deficient amount	Nil	
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	
		Fourth hearing on	04.12.2023	
		Fifth hearing on	11.12.2023	
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</p>			

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.

The application for registration was scrutinized and 1st deficiency notice vide notice no. 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 DGTCPC 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 DGTCPC 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 deficiencies conveyed to the promoter.

On 30.10.2023, 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 DGTCP. 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.

A public notice to ascertain the list of allottees submitted by the promoter and objection to the same if any was issued in the two newspapers i.e., one Hindi - Danik Jagran and one English - The Hindu dated 02.11.2023. Against the same, the authority has received objections from some of the allottees (40 allottees). The main objections are related to that either their name is not included in the list of claimants/allottees submitted by the promoter in the authority or against their unit number no name has been mentioned and others are miscellaneous objections.

The promoter has submitted the reply on 27.10.2023, 30.10.2023 & 03.11.2023 which have been scrutinized and deficiencies conveyed to the promoter.

On 04.12.2023, Sh. Sumeet, Engineering Officer and Ms. Asha Chartered Accountant briefed about the facts of the case. Sh. Manbeer Oberoi and Sh. Pawan Kumar (AR) are present on behalf of the promoter. The AR of the promoter states that reply to the objections in the above project received in pursuance to the public notice issued by the Authority has been submitted on 01.12.2023 only. Office to examine the same and put up. The AR further seeks two weeks' time for depositing balance registration fee along with rectification of the other deficiencies. The AR is also directed to submit the implementation schedule for completing the remaining works in the above project and the date of the units to be handed over to its allottees. The matter to come up on 11.12.2023.

The promoter has submitted the reply to the objections submitted by allottees stating that there are four types of objections i.e.,

- A. Who claim that they are non-claimants** - Promoter states that the persons filing objections here are those who did not file their claim at appropriate time during CIRP process and therefore cannot be considered FC of the company. Further in their resolution plan there was a provision to accept claimants at a later date also as the case was peculiar. Therefore, the promoter is advising all such to approach them at later once RERA registration done as no new allotment can be done post NCLT without RERA and those who were not willing to wait, they were advised to approach NCLT.
- B. Wrong amount shown** - Promoter states that as per resolution plan claim of FC is accepted only for principle amount and will not include tax etc. these type of compliants were duly answered by promoter and also states that they will settle these once will be calling for final verification and BBA signing.
- C. Correction in name** - Promoter states that they will change the name after proper verification and undertake to do same at final verification and BBA signing.
- D. False complaint** - Promoter states that complaints are frivolous and devoid of facts. Details attached in file. Facts are that resolution plan has provision for waiver of past Govt & other dues and another provision state that if not waived off then the same shall be recovered from the buyers.



	<p>In view of above promoter states that the complaints needs to be ignored. The promoter has submitted the reply on 01.12.2023, 05.12.2023, 06.12.2023-(two reply), 08.12.2023 and 11.12.2023 which have been scrutinized. The promoter has also submitted the revised timeline (REP-II) on 11.12.2023 for completion of project till 31.12.2025. The status of the documents is mentioned below;</p>
23.	<p>Present compliance status as on 11.12.2023 of the deficiencies conveyed in the hearing dated 04.12.2023.</p> <ol style="list-style-type: none">1. Deficit Fee- Rs 42,24,927/- needs to be submitted. Status: Submitted vide DD no. 500553 dated 05.12.2023 amount Rs. 42,24,927/-.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 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 vide sale deed dated 07.03.2012. The license has been issued to Celestial, the same is mentioned in order of DGTCP dated 20.06.2023.5. Fire Scheme approval needs to be submitted. Status: Undertaking submitted to submit the same within 6 months of registration and for security BG of 25 lakh will be submitted.6. Approved Service plans and estimates needs to be submitted. Status: Undertaking submitted to submit the same within 6 months of registration and for security BG of 25 lakh will be submitted.7. Collaboration agreement if any needs to be submitted. Status: Promoter states that the same is not applicable as they have purchased the land vide sale deed dated 07.03.2012. They are license holders and the same is mentioned in order of DGTCP dated 20.06.2023.8. Mutation certified on the latest date not more than six months prior from the date of application needs to be submitted. Status: Submitted9. Non encumbrance certificate not below the rank of tehsildar needs to be submitted.



	<p>Status: Submitted</p> <p>10. Approval of various agencies regarding the permission for external services like road access permission needs to be submitted. Status: Applied</p> <p>11. Pert chart needs to be submitted. Status: Submitted</p> <p>12. Demarcation Plan superimposed on the approved layout plan needs to be submitted. Status: Submitted</p> <p>13. 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: Submitted.</p> <p>14. Quarterly statement of expenditure (IDW) needs to be provided. Status: Submitted</p> <p>15. Project report needs to be revised. Status: Submitted</p> <p>16. Cash flow statement needs to be submitted. Status: Submitted</p> <p>17. CA certificate for expenditure incurred and to be incurred needs to be revised. Status: Submitted</p> <p>18. KYC of project consultant- Architect, structural Engineer, MEP consultant needs to be provided. Status: Submitted</p> <p>19. Financial resources of the project needs to be met with project cost. Correction needs to be made in DPI. Status: Submitted</p> <p>20. Copy of paid challan of EDC, IDC and license fee needs to be provided. Status: Submitted</p> <p>21. Bank undertaking needs to be submitted into prescribed format. Status: Submitted</p> <p>22. Affidavit of promoter regarding arrangement with the bank of master account needs to be provided. Status: Submitted</p>
Remarks	<p>1. 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>2. Online DPI needs to be corrected.</p>

		<p>3. Fire Scheme approval needs to be submitted.</p> <p>4. Approved Service plans and estimates needs to be submitted.</p> <p>5. Approval of road access permission needs to be submitted.</p>
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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 list of claimants submitted by the promoter was published in the newspaper and the promoter has submitted the reply against the objections received w.r.t. the list. Further the DTCP has renewed the license subject to the condition of grant of final BIP within 60 days of HRERA registration & payment of administrative charges. The project is being revived by Hon'ble NCLT and in the interest of the existing allottees, it is recommended that the Authority may consider the grant of registration subject to the submission of BG/DD of Rs 25 lakh each as a security amount for submission of approved service plan and estimates and fire scheme approval and no further sale shall be done before submission of the final BIP/COD/Transfer of license in the Authority.


Asha
Chartered Accountant


Sumeet
Engineering Officer

Day and Date of hearing	Monday and 11.12.2023
Proceeding recorded by	Ram Niwas

PROCEEDINGS OF THE DAY

Proceedings dated: 11.12.2023.

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

Sh. Manveer Singh Oberoi (Director), Sh. Akhilesh Lakhanlal Kamle (AR) are present on behalf of the promoter and Sh. Tarun on behalf of objection allottee Ms. Kamla Devi are also present.

The AR submits that earlier the license was granted in favor of the landowners in collaboration with M/s Celestial Estate Pvt. Ltd. and later on the land was purchased by Celestial Estate Pvt. Ltd. from the above land owners in the year 2012 itself vide sale deed dated 07.03.2012 and an application for transfer of license was submitted with DTCP and in principally approved by DTCP on 30.05.2012 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 DGTCP. Further the AR of the promoter states that the license has been renewed by DGTCP on 20.06.2023 in the name of Celestial Estate Pvt Ltd with a conditional that the promoter shall deposit the administrative charges on account of change in beneficial interest within 60 days of HRERA registration.

This project is being revived by Hon'ble NCLT and the promoter had submitted the list of claimants and allottees which was publish in newspaper inviting objections against which some objections have been filed stating that either their name is not in the list or there are some corrections in the details. The promoter has

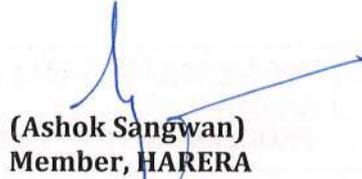
submitted the reply against each objection. Further, the AR of the promoter states that they will resolve the issues submitted in the objections related to corrections in the details and regarding the names not in claimants list, the promoter is complying as per the list provided by NCLT.

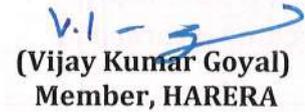
The objection allottee present during hearing request for his claim as he was not aware that he has to approach NCLT for his claim. The project is being revived by Hon'ble NCLT and NCLT has provided the list of claimants to the promoter company. The AR of the promoter states that there is no order from NCLT regarding claim of the objection allottee. However, the objection allottee has a legal remedy and may approach the appropriate forum.

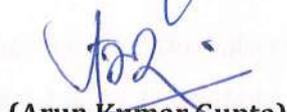
The AR of the promoter submits that no further fresh sale of unsold units will be carried out prior to seeking of BIP/COD/Transfer of license from DTCP and its submission in the Authority and an undertaking to this effect will be submitted in the authority. Further the AR also submits that the promoter will submit two BG amounting Rs 25 Lakh each as a security amount for submission of fire scheme approval and service plan estimates within 4 & 6 months of grant of registration respectively. The AR of the promoter requests the authority to grant the registration of the project.

Therefore, in view of the above as the project is being revived by the Hon'ble NCLT and DTCP has renewed the license subject to condition of grant of final BIP within 60 days of HARERA registration and hence in the interest of allottees in the project for completion of the project, the authority decides to grant the registration of the project subject to the condition that no further sale/booking of units shall be made prior to obtaining of final BIP/ 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