

PROJECT HEARING BRIEF FOR REGISTRATION U/S 4

S.No.	Particulars	Details
1.	Name of the project	Nest
2.	Name of the promotor	M/s Conmin Project India Pvt Ltd.
3.	Nature of the project	Affordable Group Housing colony
4.	Location of the project	Sector-85, Gurugram
5.	Legal capacity to act as a promoter	Collaborator
6.	Name of the license holder	1. Logical Developers Pvt. Ltd. 2. Gallium Propbuild Pvt. Ltd. 3. Glimpse Propbuild Pvt. Ltd. 4. Glitz Propbuild. Pvt. Ltd. 5. Grunge Propbuild Pvt. Ltd. 6. Prosperous Buildcon Pvt. Ltd. 7. Grapeshot Propbuild Pvt. Ltd.
7.	Name of the Collaborator	M/s Conmin Projects India Pvt. Ltd.
8.	Whether registration applied for whole	Whole
9.	Status of project	New
10.	Online Application ID	RERA-GRG-1405-2023
11.	Date of completion of project as per REP-II/4(2)(I)(c)	30.06.2028
12.	QPR Compliance (If applicable)	NA
13.	4(2)(I)(d) Compliance (If applicable)	NA
14.	License no.	26 of 2021 dated 07.06.2021
15.	Total licensed area	9.0062 acres
		Area to be registered
16.	Fee Details	Valid up to 06.06.2026
	Registration Fee	Residential 80,365.509 x 2.25 x 10 =Rs. 18,08,223.953/- Commercial 1275.643 x 1.75 x 20



		=Rs. 44,647.505/- Total = Rs. 18,52,871.458/-	
	Processing Fee	81641.152 x 10= Rs 81,6411.52	
	Late Fee	N/A	
	Total Fee	Rs. 26,69,282.978/-	
	DD amount at the time of current application	8,16,442 /-	
	DD no. and date at the time of current application	345910 dated 20.06.2023	
	Name of the bank issuing	Kotak Mahindra Bank	
	Registration fee already paid which is to be adjusted and consider now.	1852940/-	
	DD no and date at the time or previous application	000236 dated 30.07.2021	
	Processing fee already paid which is forfeited now	816442 /-	
	DD no and date at the time or previous application	000237 dated 30.07.2021	
	Name of the bank issuing	HDFC Bank	
	Deficient amount	NIL	
	NOTE - The registration fees i.e., Rs 1852940/- is adjusted now in the current application for registration as no refund had been credited to M/s Conmin Projects India Pvt. Ltd. and the same is after getting verified from the Accounts branch of the Authority.		
17.	Statutory approvals either applied for or obtained prior to registration		
	S.No.	Particulars	Validity up to
	i)	License Approval	26 of 2021 dated 07.06.2021 06.06.2026
	ii)	Zoning Plan Approval	DTCP 7785 dated 09.06.2021
	iii)	Building plan Approval	ZP-1478/SD(DK)/2021/18092 dated 27.07.2021 26.07.2026
	iv)	Environmental Clearance	Applied on 13.07.2021.
	v)	Airport height clearance	AAI/RHQ/NR/ATM/NOC/2021/219/920-923 dated 12.07.2021 11.07.2029
	vi)	Fire scheme approval	Applied on 04.08.2021
	vii)	Service plan and estimate approval	Applied on 29.07.2021
	viii)	Electricity load availability connection	Ch44/Drg. - PLC dated 30.07.2021

18.	File Status	Date
	Project received on	30.06.2023
	First notice sent on	07.07.2023
	First documents submitted on	12.07.2023
	Second documents submitted on	14.07.2023
	First hearing on	17.07.2023
	Second hearing on	07.08.2023
	Third documents submitted on	09.08.2023
	Fourth documents submitted on	16.08.2023
	Third hearing on	21.08.2023
	Fifth documents submitted on	22.08.2023
	Fourth hearing on	04.09.2023
	Fifth hearing on	25.09.2023
	Sixth documents submitted on	03.10.2023
	Seventh documents submitted on	04.10.2023
	Sixth hearing on	09.10.2023
	Seventh hearing on	20.11.2023
	Eight hearing on	08.01.2024
19.	Case History: An application regarding registration of affordable group housing colony namely "Nest" situated at Sector-85, Gurugram, Haryana being developed by M/s Conmin Projects India Pvt. Ltd. was submitted on 30.06.2023 under section 4 of Real Estate (Regulation and Development), Act 2016. This application for registration falls under license no. 26 of 2021 for area admeasuring 9.0062 acres dated 07.06.2021 valid up to 06.06.2026 being issued in favour Logical Developers Pvt. Ltd., Gallium Propbuild Pvt. Ltd., Glimpse Propbuild Pvt. Ltd., Glitz Propbuild. Pvt. Ltd., Grunge Propbuild Pvt. Ltd., Prosperous Buildcon Pvt. Ltd., Grapeshot Propbuild Pvt. Ltd in collaboration with M/s Conmin Projects India Pvt Ltd. On scrutiny of the application, it is found that the project mentioned above was received in the Authority on 05.08.2021 for registration of area admeasuring 9.00625 acres. The first deficiency notice was sent on 12.08.2021 and after that 9 hearing had been held in the above-mentioned case and in the last hearing AR of promoter submitted that they have applied for migration of license from Affordable group housing to DDJAY. On the request of the promoter the application for grant of registration is allowed to be withdrawn subject to forfeiture of processing fees. Now, in the present application the registration fees i.e., Rs 1852940/- is adjusted as no refund had been credited to M/s Conmin Projects India Pvt. Ltd. and the same is getting verified from the accounts branch of the Authority and the processing fees i.e., Rs 816442 /- paid earlier is forfeited as per the direction of the Authority in the proceedings dated 20.12.2021. Some of the deficiencies/observations were observed which were conveyed to the promoter vide notice no. HARERA/GGM/RPIN/632 dated 07.07.2023. The promoter was directed to remove the deficiencies/ observations and given an opportunity of hearing on 17.07.2023.	

A complaint by M/s MGF Development Ltd., M/s Glimpse Propbuild Pvt. Ltd., M/s Grapeshot Propbuild pvt. Ltd. through authorized representative Sh. Sunil Yadav has been received in the Authority, vide dak receipt no 55561 dated 12.07.2023 and wherein multiple allegations have been accused on the applicant promoter and the complainant further request to stay all further actions, approvals, sanctions, permissions etc. and restrain the developer from creating any third-party rights/interest on the developed/undeveloped portion(s) of the licensed land i.e., 26 of 2021 dated 09.06.2021. A copy of complaint has been handed over to the applicant promoter on 13.07.2023.

Proceedings dated 17.07.2023

Sh. Shashank Sharma, Associate Engineer Executive briefed about the facts of the project. Sh. Praveen Kumar Singh (AR), Sh. Sunil Kumar (AR) and Sh. Atul Modi (AR) are present on behalf of the promoter.

The AR of the promoter requested for three weeks time to comply with the deficiencies. Request is allowed and promoter is also directed to submit the reply of the complaint dated 12.07.2023 within a week in the Authority.

The matter to come up on 07.08.2023

No reply has been received in the Authority by the promoter against the complaint dated 12.07.2023.

Proceedings dated 07.08.2023

Sh. Shashank Sharma, Associate Engineer Executive briefed about the facts of the project.

Sh. Sunil Kumar, Sh. Praveen Kumar Singh, Sh. Raghunath and Sh. Rahul Singh are present on behalf of the promoter. The AR of the promoter seeks two weeks time for reply to the complaint as well as removal of other deficiencies. Further, regarding the payment schedule, the changes require be mentioned in the tabular format against the prescribed format by the Authority clarifying as to what change is and why the same is required. The matter to come up on 21.08.2023.

Proceedings dated 21.08.2023

Sh. Shashank Sharma, Associate Engineer Executive briefed about the facts of the project.

Sh. Sunil Kumar, Sh. Praveen Kumar Singh, Sh. Raghunath are present on behalf of the promoter. The AR of the promoter submits that the license no 26 of 2021 dated 07.06.2021 had been granted by the DTCP after recognizing the collaboration agreement and joint development agreement. However, The AR states that mutation of 1.25 acres land has been obtained in the name of the complainant company and the complainant had filed the case in Hon'ble High Court also wherein the Hon'ble High Court vide orders dated 01.12.2022 held that as per Section 19 of the 1975 Act, any person aggrieved by an order of the Director or any officer appointed by the Government may prefer an appeal to the Secretary to Government, Haryana, Town & Country Planning Department. The AR further informs to the Authority that, today a hearing is also going on before the Director, Town & Country Planning Department. So, the AR seeks one week time to comply with the remaining deficiencies.

In view of the above, it is decided that the complainant company i.e., M/s MGF Development Ltd., M/s Glimpse Propbuild Pvt. Ltd., M/s Grapeshot Propbuild pvt. is also given an opportunity to put in appearance in the next date of hearing to explain the contentions of the complaint and the concerned planning executive is to ensure the issuance of notice to the complainant to remain present in the next date of hearing.

The matter to come up on 04.09.2023.

Reply submitted by the promoter against the complaint dated 12.07.2023.

The promoter has submitted the reply in the Authority against the complaint dated 12.07.2023 vide dak no 57275 dated 16.08.2023 wherein the promoter states that the land was taken for development through executing JDA vide Vasika No. 3368 dated 05.11.2020 to the Company for developing and carrying out construction activities on the said land against which agreed sale revenue valuable consideration amount i.e., 56.31 Cr. approx. was decided between the parties and the agreement was registered in the Office of Sub-Registrar Manesar.

Further, Board of Directors of complainant companies has approved the transaction in their respective meetings and authorised their representative to execute the said Joint development agreement subsequent to execution of JDA the Company alongwith the other concerned collaborators have applied for DTCP license and the concerned authority after careful scrutiny of the said land and ownership documents/respective records have granted license bearing No. 26 of 2021 dated 09.06.2021.

Also, complainant cannot restrain us from creating any third-party rights nor they can refrain us from accepting any money from the customers/prospective customers pertaining to the project as our transaction is valid from all aspect and any third party or landowning company post change of Management cannot bar us to apply for RERA registration.

As per the directions of Authority, notice having memo no. HARERA/GGM/RPIN/632/I dated 28.08.2023 has been issued to the complainant to put in appearance in the next date of hearing i.e., 04.09.2023 to explain the contentions of the complaint.

Proceedings dated 04.09.2023

Sh. Shashank Sharma, Associate Engineer Executive briefed about the facts of the project.

Sh. Sunil Kumar, Sh. Praveen Kumar Singh, Sh. Raghunath are present on behalf of the promoter and Smt. Vijay, Advocate is present on behalf of the complainant.

Smt. Vijay, Advocate has put in appearance on behalf of the complainant i.e., M/s MGF Development Ltd., M/s Glimpse Propbuild Pvt. Ltd., M/s Grapeshot Propbuild Pvt. Ltd. and is filing POA and further requests for a short adjournment to argue the matter. The applicant promoter states that in pursuance to the directions of Hon'ble High Court, the DGTC has heard the matter and reserved the order. Further the applicant promoter has no objection to the request of the complainant for adjournment. Therefore, in view of the same, three weeks adjournment is allowed and the matter to come up on 25.09.2023. The applicant promoter may file the copy of order if any received from DGTC prior to the above date.

The matter to come up on 25.09.2023.

Proceedings dated 25.09.2023

Sh. Shashank Sharma, Associate Engineer Executive briefed about the facts of the project.

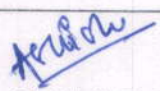
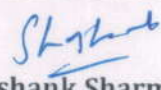
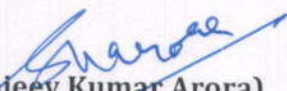
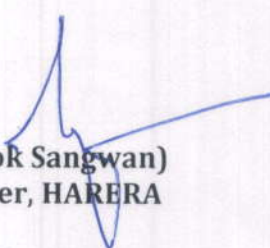
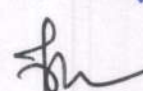
Sh. Sunil Kumar (AR), Sh. Naresh Bist (AR) and Sh. Atul Modi (AR) are present on behalf of the promoter.

The AR of the promoter submits that in pursuance to directions of Hon'ble High Court in CWP No 6270-2023, the DTCP has passed a detailed order and collaboration agreement in their favour has attained finality and license is to remain intact. Further, a copy of order by DGTC passed on 15.09.2023 in this regard is being submitted and regarding correction in mutation in their favour is under process and is likely to take some time and hence request to consider grant of registration which is already delayed and is ready to exclude the above area for which mutation is not executed

	in their favour although already decided by DTCP in their favour. The requisite proposal be submitted in next 3-4 days alongwith balance deficit documents. The matter to come up on 09.10.2023. Proceedings dated 09.10.2023 Sh. Shashank Sharma, Associate Engineer Executive briefed about the facts of the project. Sh. Sunil Kumar (AR) and Sh. Naresh Bisht (AR) are present on behalf of the promoter. Sh. Vikrant Ahlawat proxy for Advocate Sh. Ravinder Singh has put in appearance and filing Memo of appearance on behalf of the complainant M/s MGF Development Ltd. Sh. Sunil Kumar, GM of the applicant company submits that DTCP has passed an order dated 15.09.2023 and a copy has been submitted in the registry of the Authority. Vide the said order, the DTCP has rejected the complaint of MGF Developments Ltd. in its entirety. He has further directed the license to remain intact. However, in pursuance to the same the promoter is required to get the land mutated in their favour as there is no partition of land and hence exclusion of any particular portion is not feasible. The AR seeks four weeks time for submission and in case the mutation is entered prior to above four weeks the same may be submitted in the Authority for early hearing. The matter to come up on 20.11.2023. Proceedings dated 20.11.2023. Sh. Shashank Sharma, Associate Engineer Executive briefed about the facts of the project. Sh. Naresh Bist (AR) is present on behalf of the promoter and Sh. Ravinder Singh, Advocate has put in appearance and filed power of attorney with Board of resolution on behalf of the complainant M/s MGF Development Ltd. The AR of the promoter submits that mutation of the area is under consideration in the office of the Deputy Commission, Gurugram and further requests for 6 weeks time to get the land mutated in their favour. The matter to come up on 08.01.2024. Proceedings dated 08.01.2024. Sh. Shashank Sharma, Associate Engineer Executive and Ms. Asha, CA briefed about the facts of the project. Sh. Sunil Kumar (AR), Sh. Naresh Bisht (AR) and Sh. Parveen Singh (AR) are present on behalf of the promoter. The AR of the promoter seeks one month's time to comply with the formalities. The promoter is directed to show-cause within a period of one month as to why the application for registration of project u/s 4 of the Act of 2016 may not be rejected for non-rectification of deficiencies pointed out during the hearings dated 17.07.2023, 07.08.2023, 21.08.2023, 04.09.2023, 25.09.2023, 09.10.2023, 20.11.2023. The counsel for the complainant in this matter states that an appeal against the order deciding the land title in favour of the applicant promoter has been filed before ACS, TCP Haryana but there is no stay against the order of DTCP. The matter to come up on 12.02.2024.		
20.	<table border="1"> <tr> <td data-bbox="199 1680 638 1937"> Present compliance status as on 12.02.2024 of deficient documents as observed on last hearing i.e 08.01.2024. </td><td data-bbox="638 1680 1505 1937"> - Online corrections in REP-I (Part A-H) needs to be done. Documents to be uploaded mentioned above needs to be submitted in PDF format of size less than 5 mb each. Status - Not Submitted. - Corrections in online detailed project information needs to be done. Status - Not Submitted. </td></tr> </table>	Present compliance status as on 12.02.2024 of deficient documents as observed on last hearing i.e 08.01.2024.	- Online corrections in REP-I (Part A-H) needs to be done. Documents to be uploaded mentioned above needs to be submitted in PDF format of size less than 5 mb each. Status - Not Submitted. - Corrections in online detailed project information needs to be done. Status - Not Submitted.
Present compliance status as on 12.02.2024 of deficient documents as observed on last hearing i.e 08.01.2024.	- Online corrections in REP-I (Part A-H) needs to be done. Documents to be uploaded mentioned above needs to be submitted in PDF format of size less than 5 mb each. Status - Not Submitted. - Corrections in online detailed project information needs to be done. Status - Not Submitted.		

	3. Emaar India Limited is also there in the Joint development Agreement, so needs clarification about the role of Emaar India Limited. Status - Land cost as minimum guarantee given to collaborator as per JDA is Rs. 56,31,25,000/-, stamp duty of Rs 33,59,50/- and Conversion charges of Rs. 79,41,680/- (Total - Rs. 57,44,26,190/-). Further, Emaar India Limited is successors in interest and permitted assigns of above mention companies. 4. Environmental clearance needs to be submitted. Status - Applied on 13.07.2021. 5. Copy of approved fire scheme needs to be submitted. Status - Applied on 04.08.2021. 6. Copy of approved service estimates and plans along with sanction letter from DTCP, Haryana needs to be submitted. Status - Applied on 29.07.2021. 7. Mutation, jamabandi and Akshjra certified on latest dates needs to be submitted. Status - Submitted but mutation and jamabandi of whole area needs to be submitted. 8. Non-encumbrance certificate not below the rank of tehsildar & certified on the latest date needs to be submitted. Status - Submitted but not certified on latest dates. 9. REP-II needs to be revised. Status - Submitted. 10. Project report needs to be revised. Status - Submitted. 11. Land title search report needs to be submitted. Status- Submitted but needs to be revised. 12. Approval of Storm water drainage needs to be submitted. Status - Submitted. 13. PERT chart needs to be revised. Status - Submitted. 14. Draft allotment letter needs to be revised. Status - Submitted but payment plan is different. 15. Draft BBA needs to be revised. Status - Submitted but payment plan is different. 16. Payment plan needs to be revised. Status - Submitted but payment plan is different as the payment plan is related to the issuance of allotment letter. 17. Draft application form needs to be revised. Status - Submitted.
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		18. CA certificate for Expenditure incurred and to be incurred needs to be submitted. Status - Submitted. 19. Quarterly schedule of estimated expenditure needs to be provided. Status - Submitted. 20. Land cost needs to be clarified according to area apply for registration. Status - Submitted. 21. Latest board resolution for operation of bank account needs to be submitted. Status - Submitted. 22. Other resources in loan and advances needs to be clarified. Status - Undertaking submitted by the promoter that the Promoter will obtain a loan of Rs 3000lacs from financial institution bank or NBFC as loan advances for proposed project. 23. Sales deed needs to be provided. Status - JDA has been provided by the promoter. 24. Copy of paid challan of EDC and conversion charges needs to be provided. Status - Submitted. 25. Undertaking regarding 10% deduct from separate bank account needs to be provided. Status - Submitted. 26. Cash flow statement needs to be corrected. Status - Submitted. 27. CA Certificate for REP-I needs to be provided. Status - Submitted. 28. COI needs to be provided. Status - Submitted.
21.	Remarks	1. Online corrections in REP-I (Part A-H) needs to be done. Documents to be uploaded mentioned above needs to be submitted in PDF format of size less than 5 mb each. 2. Corrections in online detailed project information needs to be done. 3. Environmental clearance needs to be submitted. 4. Copy of approved fire scheme needs to be submitted. 5. Copy of approved service estimates and plans along with sanction letter from DTCP, Haryana needs to be submitted. 6. Mutation and jamabandi of whole area certified on latest dates needs to be submitted.

		7. Non-encumbrance certificate not below the rank of tehsildar & certified on the latest date needs to be submitted. 8. Land title search report needs to be submitted. 9. Draft allotment letter needs to be revised. 10. Draft BBA needs to be revised. 11. Payment plan needs to be revised.
 (Ashish Dubey) Chartered Accountant		 (Shashank Sharma) Associate Engineer Executive
Day and Date of hearing	Monday and 12.02.2024	
Proceeding recorded by	Sh. Ram Niwas	
PROCEEDINGS OF THE DAY		
Proceedings dated 12.02.2024. Sh. Shashank Sharma, Associate Engineer Executive and Sh. Ashish Dubey, CA briefed about the facts of the project. Sh. Vikrant Ahlawat is present on behalf of the promoter. Sh. Sunil Kumar and Sh. Naresh Bisht are present on behalf of the promoter. The AR submits that the Case of entering mutation in favour of the Applicant promoter is cleared by Tehsildar office and is pending for hearing in the court of District Collector Gurugram. It is expected to take some time to get the mutation finalized and the case is adjourned sine die. The office to re-submit the case if the request for revival of the case alongwith the copy of mutation is not received.		
 (Sanjeev Kumar Arora) Member, HARERA		 (Ashok Sangwan) Member, HARERA
		 (Vijay Kumar Goyal) Member, HARERA
		 (Arun Kumar) Chairman, HARERA

