



HARYANA REAL ESTATE REGULATORY AUTHORITY, PANCHKULA.

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Extract of the resolution passed by the Haryana Real Estate Regulatory Authority, Panchkula in its meeting held on 10.04.2024.

Item No. 249.39

(iv) **Promoter:** SHREE MAHALAXMI DEVELOPERS JATIN DHAWAN AND ANOOP.

Project : "Swarnbhoomi Sirsa 2" an Affordable Residential Plotted Colony(under DDJAY-2016) to be developed over land measuring 12.093 acres situated in Sector-25, Sirsa.

Temp ID : RERA-PKL-1424-2024

Present: Advocate Tarun Ranga.

1. This application is for registration of a project namely "SWARNBHOOMI SIRSA 2" an Affordable Residential Plotted Colony (under DDJAY-2016) to be developed on land measuring 12.093 acres situated in Sector-25, Sirsa. License No.251 of 2023 dated 17.11.2023 has been granted by Town and Country Planning Department which is valid upto 16.11.2028 to Shree Mahalaxmi Developers, Sh.Jatin Dhawan and Sh. Anoop.

The Promoter of the Project is Shree Mahalaxmi Developers(a Partnership Firm) having following partners – i. Sh. Satbir Singh Punia ,ii. Sh. Virender, iii. Sh. Kowaljeet and two individuals namely Sh. Jatin Dhawan, Sh. Anoop.

2. The Authority had examined the application for registration and observed the following in its meeting held on 28.02.2024 :

- i. The Promoter has applied for registration in individual category but it's an Association of Persons.*
- ii. REP 1 Part A is incomplete.*
- iii. In, REP 1 PART G, it is stated that no project has been launched by the promoter in the last 5 years but the applicant mentioned initial and likely date of completion of the project.*



iv. There is no clarity as to who will market, sale and execute conveyance deed as authorization has been delegated to Sh. Anoop and Sh. Satbir Singh Punia. There is no clarity as to who will maintain RERA account and how will 70% of the amount be deposited in the said account.

v. The agreement of Association submitted by the applicant promoter is not in order as its various clauses contravenes provisions of the RERD Act, 2016.

3. Vide reply dated 14.03.2024, the promoter had submitted the following:

- i. The online form has been filled in the 'individual' category because an AOP is not a company, trust or firm.
- ii. REP I Part A has been completely filled as per the details asked in the online form. Copy of KYC documents of all members of AOP is submitted with the application of registration.
- iii. They have not launched any project in the past 5 years. Due to some technical glitch in online REP 1 PART G, the option YES/NO was disabled at that time.
- iv. Clause 13 in Deed of AOP mentions that Sh. Anoop and Sh. Satbir Singh Punia are authorized on behalf of AOP for the purpose of booking, marketing, selling and execution of conveyance deeds in favour of allottees.
- v. Clause 15 of the AOP mentions that the entire sales consideration shall be deposited in the escrow account as submitted to the Authority in A to H form.
- vi. As per the directions of the Authority, fresh AOP dated 07.03.24 is submitted which is as per the provisions of RERD Act, 2016.

4. On 20.03.2024, the Authority observed the following:

i. In Clause 13 of Deed of AOP the authorization to market, sale and execute conveyance deed has been delegated to two persons namely Sh. Anoop and Sh. Satbir Singh Punia. The AOP should authorize one individual to execute sale/conveyance deeds.

ii. The Authority is of view that Association of person has never been recognized by DTCP, Haryana and therefore the registration will be granted to the Partnership Firm and two individual/ licensees by mentioning that they have formed an AOP.

5. Vide Reply dated 02.04.2024, the promoter submitted an affidavit cum undertaking authorizing Sh. Satbir Singh Punia (Member of AOP) to execute sale deeds/conveyance deeds .



6. Today, Authority observes that the applicant has applied in the category of 'Individual' as at the time of filing the registration form there was no such category available which includes both, i.e, the Firm and Individuals .The Authority observes that the promoter has complied with all the observations and decides to grant registration to the Partnership Firm, i.e., Shree Mahalaxmi Developers and two individual/licensees namely, Sh. Jatin Dhawan and Sh. Anoop.

7. The Authority found the project fit for registration subject to the following special conditions:

- i. The promoter shall submit the details of the RERA bank account (where 70% of the amount received from the allottees shall be deposited) within a period of 15 days from the issuance of this registration certificate, till which time no plots shall be sold. No RERA account shall be subsequently changed by the promoter without the prior permission of the Authority.
- ii. Promoter shall also submit a copy of NOC/Clearance as per provisions of notification dated 14.09.2006 issued by MOEF, Govt. of India (if applicable) before execution of development works at site.
- iii. Promoter shall submit a copy of service plans/estimates to the Authority immediately after their approval by Town & Country Planning Department.
- iv. Promoter shall submit duly approved building plans in respect of commercial pocket measuring 0.484 acres to the Authority along with deficit fee, if any. Till then, the promoter shall not dispose of any part/unit of the commercial pocket.
- v. No hindrance and disability shall be allowed to occur in the way of the allottees in the event of any dispute between the partners. The Authority retains the power to issue any appropriate orders for protecting interests of the allottees.

8. **Disposed of.** File be consigned to record room after issuance of registration certificate.



all sent
22/4/24.

True copy

Deen

Executive Director,
HRERA, Panchkula

A copy of the above is forwarded to CTP, HRERA Panchkula, for information and taking further action in the matter.

LA Karkar