AGENDA OF THE MEETING

MEETING OF THE AUTHORITY: **DATED: 20.05.2024**

ITEM NO.	
SUBJECT	**Application for continuation of registration of the project namely "ATS MARIGOLD" admeasuring "11.125 acres" situated at sector 89A, village Harsaru, Gurugram, Haryana being developed by M/s ATS Real estate Builders Pvt. Ltd.**
DETAILS	On the subject cited above it is submitted that the promoter has got the project registered with the Authority vide registration no. 55 of 2017dated 17-08-2017 Valid up to 02-09-2020 + Six Months Covid -19 Extension i.e., 02-03-2021, Further Extended vide extension No. 07 of 2019 Valid up to 02-03-2022 again got extension vide RC/REP/HARERA/55 of 2017/7(3)/2022/07 dated 20-09-2022 which is valid from 03-03-2022 to 29-02-2024. In the application of the Promoter, it has been submitted that "Group housing project is comprising of 06 main towers, 01 EWS block, 06 Villas, 07 Shops and a Community building as per the approved Building plan approval. Out of said 06 main towers, construction of 04 towers and 01 EWS block has been completed and accordingly Occupation certificate has been issued by the DTCP. Further, a community building "Sanctuary Club" is also complete, for which OC is likely to be released by the end of February 2024. Whereas construction of remaining 02 main towers has also been completed but finishing works are pending. Hence, OC application shall be filed by end of February 2024. Shops are yet to be constructed. In addition, 06 Villas have neither been launched nor constructed at site due to market constraints. Now, the promoter has again applied on 03-01-2024 under section 7(3) for continuation of registration of project namely "ATS MARIGOLD" as stated above along with RERA Extension fee (DD in original) bearing no. 983723 amounting of Rs 7,28,382-(Rupees seven lakh twenty-eight thousand three hundred eighty-two only) dated 02-01-2024. Further, the promoter also stated the reasons for extension of continuation of registration under section 7(3) of RERA Act, 2016, which are given below: The lender for the construction of this project is SWAMIH Fund is apprehensive and desiring us to get the RERA registration re-validated. The extension of registration is necessitated and requested herein in view of force majeure which has occurred owing to pandemic, non-availability of external infrastructure, unplanned construction of national highway number 352W which is about 2-3m higher than site level and other ripple effects.

Promoter also submitted the below documents:

1.Detailed project Information (DPI) along with annexure and project proponents.
2.REP II in original.
3.Part occupation certificate.

Annual report u/s 4 (2) (l) (d) of RERA act 2016 for the year 2021-22 and 2022-23 have been received on 24.04.2023 and 20.12.2023 respectively with the pendency of previous years i.e., 2017-18 to 2020-21. QPR is pending for March-18 to Sep-18 & Dec-2023.

Further promoter has intimated that he is ready to provide information, document as may be required by RERA and request to grant personal hearing to further explain the constraints, issues, and their project completion proposal.
In the view of the above, the matter is placed before the Authority for necessary directions regarding above said application of promoter for second time request for continuation of registration under section 7(3).

Proceeding dated-22.01.2024:
The Authority hereby directs the planning branch to visit the project site within one week and submit its report immediately.
The matter to come up on 29.01.2024.

Site visit has been done by the Planning branch dated 24.01.2024 detailed report attached.

However, on prima facie following deficiencies have been noticed:

1. Booking list of flats sold to the allottees as on date of the application applied for extension which includes name of the allottees, flat no., tower no., carpet area/super area, date of booking.
2. Details of unsold flats need to be provided.
3.Financial Viability of the project needs to be provided.
4. Details of outstanding loans along with details of security needs to be provided.
5.Total Sale Value of flat, Amount received from customer, Amount to be received from customer up to date i.e.,25.01.2024.
6. Certificate of Engineer, Architect, Chartered Accountant submitted at the time of Last withdrawal needs to be provided.
7. Annual report u/s 4 (2) (l) (d) of RERA act 2016 for the year 2021-22 and 2022-23 have been received on 24.04.2023 and 20.12.2023 respectively with the pendency of previous years i.e. 2017-18 to 2020-21. QPR is pending for March-18 to Sep-18 & Dec-2023.

Proceeding dated 29.01.2024
Sh. Ashish, Chartered Accountant briefed about the facts of the project.
Sh. Rajeev Gupta (AR) is present on behalf of the promoter.
The Authority observes that there are discrepancies in the QPR of March, June,

September 2023 which the CA of the promoter is directed to be present on the next date of hearing. Further, the promoter is directed to submit a copy of the feasibility report prepared by the SWAMIH fund for the project and the date of completion of the project as per the approval of the SWAMIH fund. A public notice be also issued intimating the allotees about the proposed extension applied by the promoter and for filing objections if any within a period of two weeks from the date of publication. The promoter to also give a specific report about the development works pending along with their schedule of completion and source of funding. The promoter has not yet deposited the penal amount imposed by the Authority during earlier 7(3) proceedings in view of the status quo directions of Hon'ble Tribunal in Appeal No. 814 of 2022.
The matter to come up on 26.02.2024.

Proceeding dated 26.02.2024
Sh. Ashish, Chartered Accountant briefed about the facts of the project.
Sh. Rajeev Gupta (AR), Sh. Praveen Verma (AR), Ms. Neha Kamra and Sh. Narendra Kumar (AR) are present on behalf of the promoter.
The AR of the promoter seeks three weeks' time.
The matter to come up on 18.03.2024.
Proceedings dated: 18.03.2024
Sh. Ashish, Chartered Accountant briefed about the facts of the project.
Sh. Rajeev Kumar Gupta (AR), Sh. Praveen Verma (AR) and Sh. Narendra Kumar (AR) are present on behalf of the promoter.
The matter to come up on 08.04.2024. A mail be sent to the concerned cell of the SWAMIH Fund to provide the copy of the feasibility report.

Present status of the project after detailed scrutiny of the documents as well as reply submitted by the promoter dated 16.02.2024, 26.02.2024, 07.03.2024, 19.03.2024, 28.03.2024 & 03.04.2024 are follows:

1. Corrections in online DPI needs to be done.
2. Reasons for delay for completion of project needs to be submitted
3. Allottee relates draft documents i.e., Application Form, Allotment Letter, BBA as per prescribed format and conveyance deed needs to be revised alongwith payment plan.
4. List of sold/ unsold inventory needs to be submitted with particulars mentioned in sold inventory i.e. name of customer, tower no., total sale, value of Unit, amount to be received from customer up to date i.e., 28.03.2024.
5. Latest NEC needs to be submitted.
6. Bank undertaking need to be revised as Employee ID is not mentioned and account is not in the name of project.
7. REP-II needs to be revised as Completion date is missing.
8. Total cost incurred as per CA certificate issued for compliance of RERA is Rs.71431.54 which is not in line with DPI i.e., Rs.74409.34 lakh. Clarifications required.
9. Project report needs to be revised as no project costing detail is given.
10. Statements needs to be provided for quarterly expenditure/Net cash flow statement/Quarterly source of funds.

An email sent to concerned cell of the SWAMIH Fund by the authority for providing copy of feasibility report.

Proceedings dated: 08.04.2024

Sh. Ashish Dubey, Chartered Accountant briefed about the facts of the project.
Sh. Rajeev Gupta (AR) and Sh. Narender Kumar (AR) are present on behalf of the promoter.
The AR states that the detailed reply after rectification of the deficiencies is being submitted today. Office to examine and put up on next date of hearing.
Also, the promoter is directed to submit the consent from the majority of allotees for continuation of registration.

Present status of the project after detailed scrutiny of the documents as well as reply submitted by the promoter dated 16.02.2024, 26.02.2024, 07.03.2024, 19.03.2024, 28.03.2024, 03.04.2024 & 08.04.2024 are follows:

1) Latest Non-Encumbrances Certificate needs to be submitted.
2) Project report needs to be revised as costing detail is not match with DPI.
3) Statements needs to be revised for quarterly expenditure/Net cash flow statement/Quarterly source of funds.

Proceedings dated: 22.04.2024
Sh. Ashish Dubey, Chartered Accountant briefed about the facts of the project.
Sh. Rajeev Kumar Gupta (AR) and Sh. Narender Kumar (AR) are present on behalf of the promoter.
The promoter seeks one month time to submit "no objection" from majority of the allottees in incomplete towers where OC has not been received. An e-mail be sent from the office of Secretary, HRERA to SWAMIH fund for appraisal report.
The directors of the promoter company are directed to be present along with landowners on the next date of hearing.
The matter to come up on 20.05.2024.

An email was sent from office of Secretary, HRERA to SWAMIH fund for appraisal report. The appraisal report has been received through email dated 15.05.2024 and same has been annexed herewith.

Recommendation: - The application submitted by the promoter u/s 7(3) of the Act of 2016 along with the requisite documents and approvals are found to be in order.
The Authority may consider for the grant of continuation of registration subject to submission/rectification of below documents:

1. Corrections in online DPI needs to be done.
2. Deficit fee of Rs. 44,24,274/-needs to be submitted.
3. Statement needs to be revised for quarterly expenditure/Net cash flow statement/Quarterly source of funds.

4. Project report needs to be revised as costing detail is not matching with DPI.
5. Latest dated Non encumbrance certificate not below the rank of Tehsildar needs to be provided.
6. The penalty of 50 lakhs was imposed while granting continuation of registration dated 20.09.2022 has not been submitted by the promoter till date.

Suruchi Pandey
Chartered Accountant

Prachi Singh
Planning Executive

DECISION OF THE AUTHORITY

Proceedings dated: 20.05.2024

Ms. Suruchi Pandey, Chartered Accountant briefed about the facts of the project.

Sh. Rajeev Gupta (Sr. Vice President), Govind Madhav Sharma, (Sr. Vice President), Narendra Kumar (Manager), Rahul and Sh. Mohinder Kumar Jogi, Land owing company C/o Vatika Ltd. Are present on behalf of the promoter.

The AR of the promoter states that the above project is registered for development of a Group housing project measuring 11.125 Acres falling in sector 89A of Gurugram and comprises of 06 main towers, 01 EWS block, 06 Villas, 07 Shops and a Community centre as per the building plans approved by DTCP. That Out of said 06 main towers, construction of 04 towers and 01 EWS block has been completed and accordingly Occupation certificate has been issued by the DTCP on dated 16.06.2023. Further, a community building "Sanctuary Club" is also complete, for which OC is already applied and Whereas construction of remaining 02 main towers has also been completed but finishing works are pending and OC application shall be filed by end of April 2025. Therefore, all constructions will be completed except for 7 no. Shops and 6 no. villas which have neither been launched nor constructed at site due to market constraints.

The AR states that the consent from 46 allotees out of 79 allottees in remaining 2 towers for the continuation of extension of registration certificate has been obtained and submitted in the Authority and consent of 1 shop owner shall also be submitted. The DTCP has revalidated the license up to 10.10.2024 and renewal of 2 years will also be sought for completion of the project and accordingly requests the Authority to allow continuation of the project to enable its completion in all respect including handing over of the remaining units under the above project. The deficit fees and penalty imposed earlier shall also be deposited along with the other deficit documents and compliances.

The Authority observes that the registration of the project was earlier allowed to remain in force u/s 7(3) of the Act of 2016 for a period up to 29.02.2024 vide order dated 20.09.2022. However, the promoter has failed to complete the project within the specified time limit citing

the peculiar circumstances which have hindered the completion. He further states that the project already stands approved for funding under the SWAMI fund and is being monitored for due diligence. The authority considered the matter and decided that under the peculiar circumstances of the case, it would be in the best interest of the allottees that the registration of the project is allowed to remain in force for further period of three years, so that the allottees would be handed over dwelling units, ~~to~~ which majority of the allottees of the two remaining towers have given their consent and the units under villas are yet to be sold.
Approved subject to compliances as above and this will be without prejudice to the rights of the allottees under the Act 2016.

(Sanjeev Kumar Arora)
Member, HARER

(Ashok Sangwan)
Member, HARERA

(Vijay Kumar Goyal)
Member, HARERA

(Arun Kumar)
Chairman, HARERA