

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

**Project -Estate 360
RERA-GRG-1675-2024**
Hearing brief for registration of Project u/s 4

S.No	Particulars	Details	
1.	Name of the project	Estate 360	
2.	Name of the promoter	M/s Max Estates Gurgaon Limited	
3.	Nature of the project	Group Housing	
4.	Location of the project	Sector-36A, Gurugram	
5.	Legal capacity to act as a promoter	BIP Holder	
6.	Name of the license holder	M/s Delta Propcon Pvt. Ltd. and Others	
7.	Status of project	New	
8.	Whether registration applied for whole	Phase	
	Phase no.	1	
9.	Online application ID	RERA-GRG-PROJ-1675-2024	
10.	License no.	38 of 2013 dated 04.06.2013 97 of 2013 dated 08.11.2013 167 of 2023 dated 18.08.2023	Valid up to 03.06.2026. Valid up to 07.11.2024. Valid up to 17.08.2028.
11.	Total licensed area	26.1563 acres	Area to be registered 11.8 acres
12.	Projected completion date	OC - 31.08.2030	
13.	QPR Compliances (if applicable)	N/A	
14.	4(2)(I)(D) Compliances (if applicable)	N/A	
15.	4(2)(I)(C) Compliances (if applicable)	N/A	
16.	Status of change of bank account	N/A	
17.	Details of proceedings pending against the project	N/A	
18.	RC Conditions Compliances (if applicable)	N/A	
19.	Statutory approvals either applied for or obtained prior to registration		
	S.No	Particulars	Validity upto
	i)	License Approval	38 of 2013 dated 04.06.2013 97 of 2013 dated 08.11.2013 167 of 2023 dated 18.08.2023
	ii)	Zoning Plan Approval	Drg. No. DGTCP 9505 dated 21.08.2023
	iii)	Building plan Approval	ZP-1145/JD(RA)/2024/16681 dated 07.06.2024
	iv)	Environmental Clearance	SEAC/HR/2024/026 dated 25.06.2024

	v)	Airport clearance height	AAI/RHQ/NR/ATM/NOC/2024/113-393-96 dated 19.02.2024	18.02.2032
	vi)	Fire approval scheme	Applied on 21.06.2024	
	vii)	Service plan and estimate approval	Applied on 26.06.2024.	
20.	Fee Details			
	Registration Fee		Residential - (14,173.49*3.5*10) + (1,56,451.4*1.9*10) = Rs 34,68,648.75/- Commercial - (71.224*3.5*20)+ (303.471*1.75*20) = Rs 15,607.165/- Total = Rs 34,84,256/-	
	Processing Fee		1,70,999.585 * 10 = Rs 17,09,996/-	
	Late Fee		600% of the registration fee - 34,84,256 *6 = Rs 2,09,05,536/-	
	Total Fee		Rs 2,60,99,788/-	
21.	DD amount		Rs 47,30,000/- Rs 4,70,000/-	
	DD no. and date		586267 dated 25.06.2024 M3497152 dated 31.07.2024	
	Name of the bank issuing		HDFC Bank	
	Deficient amount		Rs 2,08,99,788/-	
22.	File Status		Date	
	File received on		26.06.2024	
	First hearing on		22.07.2024	
	First notice Sent on		29.07.2024	
	Second hearing on		05.08.2024	
	Third hearing on		12.08.2024	
23.	Case History:			
	<p>The Promoter M/s Max Estates Gurgaon Limited who is a BIP Holder applied for the registration of real estate group housing colony namely "Estate 360" located at Sector- 36A, Gurugram under section 4 of the Real Estate (Regulations and Development) Act, 2016 vide central receipt no. 74124 dated 26.06.2024 and RPIN-769. The Temp I.D. of REP - I (Part A-H) is RERA -GRG-PROJ-1675-2024. The project area for registration is 11.8 acres but the licensed area i.e., 26.1563 acres granted under License no -38 of 2013 dated 04.06.2013 valid up to 03.06.2026, 97 of 2013 dated 08.11.2013 valid up to 07.11.2024, 167 of 2023 dated 18.08.2023 valid up to 17.08.2028.</p> <p>The DTCP has granted license no. 38 of 2013 dated 04.06.2013 admeasuring 23.4188 acres, 97 of 2013 dated 08.11.2013 admeasuring 1.6875 acres and 167 of 2023 dated 18.08.2023 admeasuring 1.05 acres for the development of Group Housing Colony over an total area admeasuring 26.1563 acres in Sector 36A, Gurugram.</p>			

License no. 38 of 2013 has been issued in favour of Delta Propcon Pvt. Ltd. in collaboration with Prompt Infravision Pvt. Ltd. for an area 23.4188 acres. License no. 97 of 2013 has been issued in favour of Delta Propcon Pvt. Ltd. in collaboration with Prompt Infravision Pvt. Ltd. for an area 1.6875 acres. License no. 167 of 2023 has been issued in favour of Namu Realtech Pvt. Ltd. in Collaboration with Delta Propcon Pvt. Ltd.

DTCP Vide order dated 22.03.2023 states that as per order dated 13.04.2022 of I.d. NCLT, Chandigarh demerger scheme was approved and the Namu Realtech Pvt. Ltd. is the resultant company. Demerger scheme provided formation of the new resultant company i.e., Namu Realtech Pvt. Ltd. to which land parcel 4.875 acres in license no. 38 of 2013 & 1.6875 acres in license no. 97 of 2013 (Total 6.5625 acres) stands transferred. Further, vide DTCP order dated 13.04.2023, Change in beneficial interest by assigning of Joint development and Marketing rights in favour of Max Estate Gurgaon Ltd. for an area 10.1375 acres of license no. 38 of 2013 dated 04.06.2013 and 0.6125 acres of license no. 97 of 2013 dated 08.11.2013 (Total 10.75 acres) is allowed.

Thereafter, vide DTCP order dated 09.11.2023, Change in beneficial interest by assigning of Joint development and Marketing rights in favour of Max Estate Gurgaon Ltd. for an area 1.05 acres of license no. 167 of 2023 dated 18.08.2023 is allowed.

BIP for total area of 11.80 acres has been allowed by DTCP, Haryana in favour of Max Estate Gurgaon Ltd. Phasing has been approved by DTCP, Haryana vide memo no. ZP-1145/SD(RA)/2024/13856 dated 07.05.2024.

On 22.07.2024, the matter was adjourned to 05.08.2024.

The application for registration of group housing colony was scrutinized and 1st deficiency notice vide notice no. HARERA/GGM/RPIN/769 dated 29.07.2024 was issued to the promoter with an opportunity of being heard on 05.08.2024.

The promoter submitted two reply on 29.07.2024, 30.07.2024 and 01.08.2024 which were scrutinized and the status of the documents is mentioned below:

The promoter submitted a representation stating that the License No. 38 of 2013 dated 04.06.2013 and License No. 97 of 2013 dated 08.11.2013 were obtained by the Landowners - Delta Propcon Private Limited in collaboration with Prompt Infravision Private Limited against 23.4188 acres and 1.6875 acres respectively in Sector 36A, Gurugram. However, neither were the plans for construction submitted to the Competent Authority - DTCP, Haryana nor was any development or construction work carried out on the said land by the Landowners.

It is also submitted that the Landowners had further obtained the renewal of above said License No. 38 of 2013 and 97 of 2013 for the total land area of 25.1063 Acres in year 2023. Further, a new license, License No. 167 of 2023 dated-18.08.2023 was also obtained by the Landowners Namu Realtech Private Limited in collaboration with Delta Propcon Private Limited for 1.05 Acres. Therefore the total land area against the said 3 Licenses no. 38 of 2013, 97 of 2013 and 167 of 2023 admeasures 26.1563 Acres.

It is pertinent to mention that no development/construction work whatsoever has been carried out on the said land and even today, it is in vacant condition.

It is pertinent to mention that the condition 3(a) of the above licenses states as under:

3(a) That the Group Housing Colony is laid out to conform to the approved layout plan and the development works are executed according to the designs and specifications shown in the approved plan.

The above condition clearly directs that the Development of the Project shall only be carried out after the sanctioned plans for construction / development are obtained from the Competent Authority i.e. DTCP, Haryana.

Since, neither the construction/ development plans of the said land were submitted by the landowners to the competent Authority nor were the same sanctioned/approved by the competent Authority, no development work as per the above condition of licenses could be carried out and therefore was never carried out. Hence, as already stated herein, the entire licensed land is vacant today.

Further the Haryana Real Estate (Regulation and Development) Rules, 2017 Rule 2(0) states as under:-

"Ongoing Project" means a Project for which a license was issued for the development under the Haryana Development and Regulation of Urban Area Act, 1975 on or before the 1st May, 2017 and where development works were yet to be completed on the said date.

The above provision clearly directs that a Project **"where the development works is yet to be completed on the said date"** shall connote **"Ongoing Project"**. Whereas, as per the condition of licenses given hereinabove, any group housing colony (Project) shall conform to the approved layout plan sanctioned and shall be executed according to the specifications of the Approved Plan

In this case, since no approved plan was obtained by the Landowners and **no development work has been carried out on the said vacant land, therefore it does not fall under the definition of "Ongoing Project"**.

The promoter further requests to kindly refer section 3(1) of Real Estate (Regulation and Development) Act, 2016 (RERA Act) which states as under:

"3(1) No promoter shall advertise, market, book, sell or offer for sale, or invite persons to purchase in any manner any plot, apartment or building, as the case may be, in any real estate project or part of it, in any planning area, without registering the real estate project with the Real Estate Regulatory Authority established under this Act."

The above clause specifically directs that without Registration of a Project under the above section of the RERA Act, no Project can be advertised, marketed, booked, sold or be offered for sale, or no persons be invited to purchase in any manner any plot, apartment or building, as the case may be in any Real Estate Project.

The Applicant's Project which is still vacant land with no construction whatsoever and cannot, in the manners stated hereinabove be perused in the light of section 3(1) of the RERA Act. Hereby, it can be easily concluded that the Registration under section 3(1) of the RERA Act for this Project is not required in the eyes of law as well.

It is also pertinent to mention that the sanction of plans for Construction & Development of land area 11.80 acres has been obtained by the Applicant Company i.e. Max Estates Gurgaon Limited (MEGL) in 2024, after entering into a Joint Development, Agreement dated 17.02.2023 with the Landowners. The said Development Agreement is registered in the Office of Sub-Registrar Harsaru, Gurugram.

The Developer Promoter (MEGL) has also obtained permission no. LC-2822/JE/(S))/2023/10531 dated- 13.04.2023 for 10.75 Acres and no. LC-2822-8/Asstt (RK)/2023/38281 dated-09.11.2023 for 1.05 Acres, total 11.80 Acres, from the Competent Authority for change in beneficial interest under assignment of joint development and Marketing rights.

The Developer Promoter had received the sanctioned plans for Development and Construction of land area 11.80 Acres out of total land area 26.1563 acres from the Competent Authority vide Memo no ZP-1145/JD(RA)/2024 dated 07.06.2024 falling under license No. 38 of 2013 and 97 of 2013 and 167 of 2023. The said plans have been submitted to the Hon'ble Regulatory Authority along with Registration Application of the Project on 26.06.2024.

The facts explained hereinabove clarifies that no RERA Registration was required for the vacant land and therefore was not applied for.

It is also stated, since no development work/ construction work till date has been carried out on the said land therefore neither is the constructed inventory available thereupon nor have they been sold. It is also pertinent to mention that under the aforesaid circumstances, no advertisement whatsoever was ever carried out w.r.t Licenses no. 38 of 2013, 97 of 2013 and 167 of 2023 and thus the project has not delayed its registration and is not liable for any delayed registration fee.

On 05.08.2024, Sh. Ashish Kush, Planning Executive and Ms. Asha, Chartered Accountant briefed about the facts of the case. Sh. Rishi Raj (Director), Sh. Sanjeev Ailawadi (Head Legal) and Sh. Anirudh Balakrishnan (Dy.GM) are present on behalf of the promoter. The AR of the promoter submitted a detailed representation regarding imposition of late fee stating that no third party rights were created in the project land since inception till date for which affidavit has been submitted. Secondly, no approvals like Environment Clearance, Building plans etc. were granted in respect of the subject land upto June 2024, enabling the promoter to commence construction of the project. Therefore the provision of section 3 of the Act of 2016 are not attracted and late fee may not be imposed. Public notice of one week may be issued in two prominent newspapers (one Hindi and one English regarding creation of third party rights. The applicant promoter shall submit affidavit of the Director of the company duly supported by the board resolution of the company. Further, the applicant promoter shall submit the documents regarding availability of road access. Approved in principle subject to the compliances of the deficiencies as pointed out above. The matter to come up on 12.08.2024.

The promoter has submitted the reply on 05.08.2024, 06.08.2024 and 07.08.2024 which were scrutinized and the status of documents is mentioned below:

The promoter submitted an affidavit of Director (Sh. Rishi Raj) alongwith board resolution of company regarding not falling under definition of ongoing project and no requirement of road access as the project has direct access to 24 mtrs. wide service road of Dwarka Expressway. The DTCP, Haryana has already granted FAR as compensation for the land as constitutes part of the Serviced Road and the land falling under the service road will be handed over to the concerned Authority as and when demanded.

Further, the promoter submitted the copy of public notice published in Dainik Bhaskar (Hindi) and The Tribune (English) dated 06.08.2024 w.r.t the BIP Permission and non-creation of third party rights.

24.	Present compliance status as on 12.08.2024 of deficient documents conveyed in hearing dated 05.08.2024.	<ol style="list-style-type: none"> 1. The project pertains to license no. 38 of 2013 dated 04.06.2013, 97 of 2013 dated 08.11.2013 and 167 of 2023 dated 18.08.2023 and therefore, is an ongoing project. You are, therefore, required to explain why the registration of the project has not been obtained till date. You are further required to provide the details of sold and unsold inventory along with the status of development works on site. Status: The promoter stated that neither the construction/ development plans were sanctioned/approved. Since no development work/ construction work till date has been carried out on the said land therefore neither is the constructed inventory available thereupon nor have they been sold. 2. Deficit Fee - Rs 2,13,69,788/- (Deficit Fee - Rs 4,64,252/- and Late Fee - Rs 2,09,05,536/-) needs to be submitted. Status: Submitted an amount of Rs 4,70,000/- via online no. M3497152 dated 31.07.2024. Deficit fee - Rs 2,08,99,788/-. 3. The annexures in the online application are not uploaded as well as correction needs to be done in the online (A-H) application. Status: Submitted. 4. Online DPI needs to be corrected.
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	<p>Status: Submitted.</p> <p>5. Fire Scheme approval needs to be submitted. Status: Applied on 21.06.2024. The promoter has submitted the BG amounting to Rs 25 Lakhs vide no. 0031NDDG00094025 dated 31.07.2024 to submit the approval within 4 months from the date of registration.</p> <p>6. Approved Service plan and estimates needs to be submitted. If applied, then copy of the same needs to be submitted. Status: Applied on 26.06.2024. The promoter has submitted the BG amounting to Rs 25 Lakhs vide no. 0031NDDG00094125 dated 31.07.2024 to submit the approval within 4 months from the date of registration.</p> <p>7. Approval NOC's from various agencies for connecting external services like road and sewerage needs to be submitted. Status: Sewerage approved vide EC II-203009(01)/6/2023-O/o SE-Infra II dated 12.01.2024. The promoter submitted an affidavit for non-applicability of road access.</p> <p>8. Electrical Load availability needs to be submitted. Status: Submitted. Memo no. Ch-38/Drg.-PLC dated 06.02.2024.</p> <p>9. Affidavit/ NOC for Natural Conservation Zone needs to be submitted. Status: Submitted an affidavit for non-applicability.</p> <p>10. Affidavit/ NOC for Forest Land Diversion needs to be submitted. Status: Submitted an affidavit for non-applicability.</p> <p>11. Affidavit/ NOC for Tree cutting permission needs to be submitted. Status: Submitted an affidavit for non-applicability.</p> <p>12. Affidavit/ NOC for Powerline Shifting needs to be submitted. Status: Submitted an affidavit for non-applicability.</p> <p>13. Khasra nos. in Mutation and Jamabandi are not matching which needs to be clarified. Status: Submitted.</p> <p>14. Land Title Search report needs to be revised after incorporation of details of latest Jamabandi. Status: Submitted.</p> <p>15. Layout plan superimposed on the demarcation plan needs to be submitted. Status: Submitted.</p> <p>16. Draft Application form needs to be revised. Status: Submitted.</p> <p>17. Draft Allotment letter needs to be revised as per prescribed format. Status: Submitted.</p> <p>18. Draft Builder Buyer Agreement needs to be revised. Status: Submitted.</p> <p>19. Draft Conveyance Deed needs to be submitted. Status: Submitted.</p> <p>20. Draft Brochure needs to be revised. Status: Submitted.</p> <p>21. Pert Chart needs to be submitted. Status: Submitted.</p> <p>22. Mining permission needs to be submitted.</p>
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		<p>Status: Submitted an affidavit to submit the approval before commencement of development work.</p> <p>23. Details need to be submitted as mentioned in DPI as financial resources amounting to Rs 10,000 lakhs from loan from financial institution or bank, Rs 68,321 lakhs from other sources & Rs 10 lakhs from equity by promoter. Status: Submitted.</p> <p>24. Project report needs to be revised. Status: Submitted.</p> <p>25. Bank Undertaking needs to be revised and Original bank undertaking needs to be submitted. Status: Submitted.</p> <p>26. CA Certificate for expenditure incurred & to be incurred needs to be submitted Status: Submitted.</p> <p>27. CA certificate for details in REP-1 and CA certificate for net worth of promoter needs to be submitted. Status: Submitted.</p> <p>28. CA certificate for non-default in payment of debts and liabilities needs to be revised as it does not provide details related to payment of loans. Status: Submitted.</p> <p>29. Cost of the land i.e. Rs 19,7769 lakhs needs to be clarified according to the area applied for the registration is 11.80 acres. Status: Submitted.</p> <p>30. Quarterly Net Cash Flow statement, Quarterly expenditure statement and Statement of quarterly source of funds needs to be submitted on letter head of company. Status: Submitted.</p> <p>31. Undertaking regarding auto credit of 10% of receipts from separate RERA account maintained under section 4(2)(1)(D) needs to be submitted. Status: Fully EDC paid by the promoter as no undertaking required.</p>
25.	Remarks	<p>1. Deficit Fee - Rs 2,08,99,788/- (Late Fee) needs to be submitted.</p> <p>2. Fire Scheme approval needs to be submitted. Status: Applied on 21.06.2024. The promoter has submitted the BG amounting to Rs 25 Lakhs vide no. 0031NDDG00094025 dated 31.07.2024 to submit the approval within 4 months from the date of registration.</p> <p>3. Approved Service plan and estimates needs to be submitted. Status: Applied on 26.06.2024. The promoter has submitted the BG amounting to Rs 25 Lakhs vide no. 0031NDDG00094125 dated 31.07.2024 to submit the approval within 4 months from the date of registration.</p> <p>4. Approval NOC's from various agencies for connecting external services like road needs to be submitted. Status: The promoter submitted an affidavit for non-applicability of road access.</p> <p>5. Mining permission needs to be submitted.</p>

Status: Submitted an affidavit to submit the approval before commencement of development work.

Recommendations:

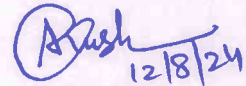
The application submitted by the promoter for registration of real estate project under section 4 of the Act of 2016 as per details given above is complete and all the requisite documents as required u/s 4 of Act of 2016 and Haryana Rules, 2017 have been submitted and found to be in order except the Fire Scheme Approval, Approved service plan and estimates, Approval NOC for road and Mining Permission.

The promoter has submitted two BG amounting to Rs 25 lakhs as a security amount to submit the Fire Scheme Approval and Approved service plan and estimates within four month from the date of issuance of registration certificate.

It is recommended that the Authority may consider the grant of registration subject to the submission of above.


Asha

Chartered Accountant


12/8/24

Ashish Kush
Planning Executive

Day and Date of hearing

Monday and 12.08.2024.

Proceeding recorded by

Ram Niwas

PROCEEDINGS OF THE DAY

Proceedings dated: 12.08.2024.


Sh. Ashish Kush, Planning Executive and Ms. Asha, Chartered Accountant briefed about the facts of the case.


Sh. Rishi Raj (Director), Sh. Sanjeev Ailawadi (Head Legal) and Sh. Anirudh Balakrishnan (Dy.GM) on behalf of the promoter.


The AR of the applicant promoter has given an affidavit that no sale or any kind of development works including approval of building plan was obtained in respect of the license No. 38 of 2013, 97 of 2013 and 167 of 2023. The affidavit shall also be submitted on behalf of earlier licensee company to the same effect failing which late fee shall be leviable. The public notice is also issued on 06.08.2024 and no objection has been received.


The promoter has submitted two BG of Rs 25 lakhs each for submission of Fire Scheme approval and Approved service plan and estimates within four months from the grant of registration certificate. The promoter shall submit mining permission before start of construction.

Approved as proposed.


(Sanjeev Kumar Arora)
Member, HARERA


(Ashok Sangwan)
Member, HARERA


(Vijay Kumar Goyal)
Member, HARERA


(Arun Kumar)
Chairman, HARERA