

Hearing brief for registration of Project u/s 4

S.No.	Particulars	Details	
1.	Name of the project	Windchants Phase C	
2.	Name of the promoter	M/s Experion Developers Pvt. Ltd.	
3.	Nature of the project	Group Housing Colony	
4.	Location of the project	Sector-112, Gurugram	
5.	Legal capacity to act as a promoter	Collaborator	
6.	Name of the license holder	M/s Jovial Buildtech Pvt. Ltd., M/s Gold Developers Pvt. Ltd. (Now Known as M/s Experion Developers Pvt. Ltd.)	
7.	Status of project	New	
8.	Whether registration applied for whole Phase no.	Phase 3	
9.	Online application ID	RERA-GRG-1730-2024	
10.	License no.	21 of 2008 dated 08.02.2008 28 of 2012 dated 07.04.2012 99 of 2019 dated 04.09.2019	valid up to 07.02.2025 valid up to 06.04.2025 valid up to 03.09.2029
11.	Total licensed area	24.6275 acres	Area to be registered 1.1965 acres
12.	Projected completion date	OC - 31.03.2030 CC - 30.12.2030	
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	21 of 2008 dated 08.02.2008 28 of 2012 dated 07.04.2012 99 of 2019 dated 04.09.2019 valid up to 07.02.2025 valid up to 06.04.2025 valid up to 03.09.2029 -Additional license for an area measuring 1.1965 acres
	ii.	Zoning Plan Approval	Drg No. DG, TCP 3128 10.04.2012
	iii.	Revised Zoning Plan Approval	Drg. No. DTCP 10201 30.04.2024
	iv.	Additional Building plan approval	Memo no. ZP-595-IV/JD(RD)/2024/25532 dated 09.08.2024 08.08.2029

	(Phase- C for an area measuring 1.1965)		
v.	Revised Building plan Approval	DRG No.- DGTCP 9794 dated 09.11.2023	08.11.2028
vi.	Environmental Clearance	Applied on 17.07.2024	
vii.	Airport height clearance	AAI/RHQ/NR/ATM/NOC/2019/379/1886-1889 dated 27.11.2019	26.11.2027
viii.	Fire scheme approval	Applied on 16.08.2024	
ix.	Service plan and estimate approval	Applied on 17.07.2024	
20.	Fee Details Note: As the promoter applied for the additional licensed area having license no. 99 of 2019 dated 04.09.2019 valid upto 03.09.2029 and the building plans were approved on 09.08.2024 valid upto 08.08.2029. In the building plan which were earlier approved the current applied area is shown as future development. Hence, no late fee will be charged.		
	Registration Fee	Residential: 16513.864 x 3.432 x 10 = Rs 5,66,756/- Commercial: 103.347 x 3.432 x 20 = Rs 7,094/-	
	Processing Fee	16617.211 x 10 = Rs 1,66,172/-	
	Late Fee	Not applicable as additional building plans were approved on 09.08.2024. whereas, in earlier approved revised plans the additional area was shown as future development.	
	Total Fee	Rs 7,40,022/-	
21.	DD Details		
22.	DD amount	Rs 7,40,500/-	
	DD no. and date	050174 dated 19.09.2024	
	Name of the bank issuing	Axis bank	
	Deficient amount	No deficit fee	
23.	File Status	Date	
	File received on	03.09.2024	
	First notice Sent on	20.09.2024	
	1st hearing on	30.09.2024	
	2nd hearing on	14.10.2024	
	3rd hearing on	21.10.2024	
24.	Case History: The Promoter M/s Experion Developers Pvt. Ltd. who is a collaborator applied for the registration of real estate group housing colony namely "Windchants Phase C" located at Sector- 112, Gurugram under section 4 of the Real Estate (Regulations and Development) Act, 2016 vide central receipt no. 78329 dated 03.09.2024 and RPIN-790. The Temp I.D. of REP - I (Part A-H) is RERA -GRG-1730-2024. The project area for registration is 1.1965 acres but the licensed area i.e., 24.6275 acres granted under License no - 21 of 2008 dated 08.02.2008 valid upto 07.02.2010, 28 of 2012 dated 07.04.2012 valid upto 06.04.2016 & 99 of 2019 dated 04.09.2019 valid upto 03.09.2024 (Additional license).		

The application for registration of group housing colony was scrutinized and 1st deficiency notice vide notice no. HARERA/GGM/RPIN/790 dated 03.09.2024 was issued to the promoter with an opportunity of being heard on 30.09.2024.

Phasing details: DTCP granted phasing as per revised approved plans wherein the registration was granted for an area admeasuring 13.831 acres, which is as follows:

- 64 of 2017 dated 18.08.2017 for an area admeasuring 2.442 acres.
- 73 of 2017 dated 21.08.2017 for an area admeasuring 11.189 acres.
- 112 of 2017 dated 28.08.2017 for an area admeasuring 0.2 acres. (Lapsed project)

On 30.09.2024, Ms. Deepika, Planning Executive and Sh. Ashish Dubey, Chartered Accountant briefed about the facts of the case. Sh. Suneet Puri (AR) and Sh. Ajay Kumar (AR) are present on behalf of the promoter. The AR states that the phasing has been approved by DTCP, and the instant application for phase-C only, with no changes in respect of earlier phases have been made. The OC in respect of phase-I was applied prior to commencement of the Act and Rules, 2016 and as per orders of the PS TCP -cum-Chairman Interim RERA, the registration of this part was not required and for remaining phase the registration was obtained and project was handed over to their RWA after obtaining OC and the issue of obtaining extension of this part and levy of late fee by the Authority, an appeal has been filed and pending before Hon'ble HREAT. Approved in principle subject to verification of the above details by the office. The matter to come up on 14.10.2024.

On 14.10.2024, Ms. Deepika, Planning Executive and Sh. Ashish Dubey, Chartered Accountant briefed about the facts of the case. Sh. Suneet Puri (AR) and Sh. Amit Kumar (AR) are present on behalf of the promoter. The promoter is directed to submit an affidavit accompanied with board resolution regarding no development, marketing or sale of the area to be registered. Meanwhile, a complaint has been received in the authority from Windchants Condominium Association regarding the project applied for registration under section 4 of Act of 2016. The copy of same is being handed over to the promoter for submission of their reply against the same. Further the complainant association be also called on next date for personal hearing before taking decision in the case. In view of the same, the matter is adjourned and to come up on 21.10.2024.

Further, a complaint dated 07.10.2024 has been received in the authority from Windchants Condominium Association requesting the authority to grant a personal hearing before taking any decision in the matter.

The status of the documents is mentioned below:

25.	Present compliance status as on 21.10.2024 of deficient documents conveyed vide last hearing 14.10.2024.	<ol style="list-style-type: none"> 1. Online corrections in REP-1 (Part A-H) needs to be done. Documents to be uploaded need to be provided in soft copy less than 5 mb in size. Status: Not submitted 2. Corrections in online DPI need to be done. Status: Submitted, but corrections need to be done. 3. Deficit fee of Rs 7,40,022/- needs to be submitted, as the DD amount Rs 7,40,500/- vide DD no. 050143 dated 02.09.2024, was submitted in the authority which was unable to credit in the account due to name mismatch of the authority. Status: Submitted 4. The project pertains to license nos. 21 of 2008, 28 of 2012 & 99 of 2019 and therefore, is an ongoing project. You are, therefore, required to explain why the registration of the project has not been obtained till date for entire area i.e. 24.6275 acres as of now the total area registered in the authority is equal to 13.831 acres, with an
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application for registration of additional area measuring 1.1965 acres. Whereas, the OC were issued dated 06.12.2017, 23.07.2018, 24.12.2018, 09.03.2022 & 29.08.20222 respectively. You are further required to provide the details of sold and unsold inventory along with the status of development works on site.

Status: Licenses No. 21 of 2008 (dated 08/02/2008) and No. 28 of 2012 (dated 07/04/2012), issued by DTCP, have been granted for a Group Housing Colony on 23.431 acres in Village Chuma, Sector-112, Gurugram. Approval for building plans was obtained on 07/06/2012, and major construction was completed by 2017, with the Occupancy Certificate for Phase 1 applied for on 24.04.2017. Following the RERA Act in 2017, the promoter applied for RERA registration in phases, and Phase 1 (9.6 acres) was later withdrawn from registration as the phases were already registered in the Panchkula, Authority (as per order dated 10.11.2017). Now, the promoter has received License No. 99 of 2019 for an additional 1.1965 acres but delayed the project due to market conditions and the COVID-19 pandemic. Phasing approval was granted in 2023, and building plans were approved on 09/08/2024. Construction is planned to begin soon. Since no development occurred before 2024, Section 3(1) of the RERA Act does not apply. The project will include 60 residential units and 5 shops.

5. The approved building plans are revised, hence the changes made in the building plans in tabular form and duly marked on the plans is needs to be submitted.

Status: Submitted

6. Renewal of licenses needs to be submitted.

Status: Submitted

7. Phasing letter from DTCP needs to be submitted.

Status: Submitted

8. Earlier approved zoning plan on A1 size sheet (laminated) needs to be submitted.

Status: Submitted

9. Approved service plan and estimates needs to be submitted.

Status: Applied on 17.07.2024, the promoter has submitted a BG vide No. 0021NDDG00010125 dated 30.09.2024 amounting to Rs: 25 lakhs on account of submission of approved SPE within 3 months from grant of RC.

10. Environment Clearance needs to be submitted.

Status: Applied on 17.07.2024, the promoter has submitted a BG vide No. 0021NDDG00010025 dated 30.09.2024 amounting to Rs. 25 lakhs on account of submission of approved SPE within 3 months from grant of RC.

11. Airport height clearance needs to be submitted.

Status: Submitted

12. Fire Scheme approval needs to be submitted. If applied, then copy of the same needs to be submitted.



	<p>Status: Applied on 16.08.2024, the promoter has submitted a BG vide No. 0021NDDG00009925 dated 30.09.2024 amounting to Rs. 25 lakhs on account of submission of fire scheme approval within 3 months from grant of RC.</p> <p>13. Undertaking with regard to non- applicability of NCZ, tree cutting, forest land diversion and powerline shifting NOC needs to be submitted. Status: Affidavit cum undertaking submitted.</p> <p>14. Approval NOCs from various agencies for connecting external services like road, water supply, sewage disposal and storm water needs to be submitted for additional licensed area. Status: Submitted</p> <p>15. Project report along with the brochure of current project and project photos needs to be submitted. Status: Submitted</p> <p>16. Land Title Search report needs to be submitted. Status: Submitted</p> <p>17. Mutation & Aks- shijra for whole area needs to submitted. Status: Submitted</p> <p>18. Demarcation plan on A1 size sheet (laminated) needs to be submitted. Status: Submitted</p> <p>19. Layout plan superimposed on the demarcation plan needs to be submitted. Status: Submitted</p> <p>20. PERT Chart needs to be submitted. Status: Submitted</p> <p>21. Draft application form, allotment letter, conveyance deed, BBA & Payment Receipt need to be submitted. Status: Submitted</p> <p>22. Mining permission needs to be submitted. Status: Undertaking submitted stating that the mining permission will be provided before start of construction.</p> <p>23. Draft brochure and advertisement need to be submitted. Status: Submitted</p> <p>24. Cost of land amounts to Rs 2266.57 lakhs needs to be clarified according to area applied i.e. 1.1965 Acres for the registration. Status: Submitted</p> <p>25. Details needs to be submitted for financial resources mentioned in DPI amounts to Rs 1515 lakhs from loan from other sources and Rs 2896 lakhs from equity by the promoter. Status: Submitted</p> <p>26. Bank Undertaking and Project report needs to be submitted. Status: Submitted</p> <p>27. CA Certificate for expenditure incurred & to be incurred needs to be submitted. Status: Submitted</p>
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26.	Remarks	<p>1. Online corrections in REP-1 (Part A-H) needs to be done. Documents to be uploaded need to be provided in soft copy less than 5 mb in size.</p> <p>2. Corrections in online DPI need to be done.</p> <p>3. The project pertains to license nos. 21 of 2008, 28 of 2012 & 99 of 2019 and therefore, is an ongoing project. You are, therefore, required to explain why the registration of the project has not been obtained till date for entire area i.e. 24.6275 acres as of now the total area registered in the authority is equal to 13.831 acres, with an application for registration of additional area measuring 1.1965 acres. Whereas, the OC were issued dated 06.12.2017, 23.07.2018, 24.12.2018, 09.03.2022 & 29.08.2022 respectively. You are further required to provide the details of sold and unsold inventory along with the status of development works on site. Status: Licenses No. 21 of 2008 (dated 08/02/2008) and No. 28 of 2012 (dated 07/04/2012), issued by DTCP, have been granted for a Group Housing Colony on 23.431 acres in Village Chuma, Sector-112, Gurugram. Approval for building plans was obtained on 07/06/2012, and major construction was completed by 2017, with the Occupancy Certificate for Phase 1 applied for on 24.04.2017. Following the RERA Act in 2017, the promoter applied for RERA registration in phases, and Phase 1 (9.6 acres) was later withdrawn from registration as the phases were already registered in the Panchkula, Authority (as per order dated 10.11.2017). Now, the promoter has received License No. 99 of 2019 for an additional 1.1965 acres but delayed the project due to market conditions and the COVID-19 pandemic. Phasing approval was granted in 2023, and building plans were approved on 09/08/2024. Construction is planned to begin soon. Since no development occurred before 2024, Section</p>



		<p>3(1) of the RERA Act does not apply. The project will include 60 residential units and 5 shops.</p> <p>4. Approved service plan and estimates needs to be submitted. Status: Applied on 17.07.2024, the promoter has submitted a BG vide No. 0021NDDG00010125 dated 30.09.2024 amounting to Rs. 25 lakhs on account of submission of approved SPE within 3 months from grant of RC.</p> <p>5. Environment Clearance needs to be submitted. Status: Applied on 17.07.2024, the promoter has submitted a BG vide No. 0021NDDG00010025 dated 30.09.2024 amounting to Rs. 25 lakhs on account of submission of approved SPE within 3 months from grant of RC.</p> <p>6. Fire Scheme approval needs to be submitted. If applied, then copy of the same needs to be submitted. Status: Status: Applied on 16.08.2024, the promoter has submitted a BG vide No. 0021NDDG00009925 dated 30.09.2024 amounting to Rs. 25 lakhs on account of submission of fire scheme approval within 3 months from grant of RC.</p> <p>7. Mining permission needs to be submitted. Status: Undertaking submitted stating that the mining permission will be provided before start of construction.</p>
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Recommendation - 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 online A-H form and DPI. It is recommended that the Authority may consider the grant of registration subject to the submission of deficiencies pointed out above.

Ashish Dubey

Ashish Dubey
Chartered Accountant

Deepika

Deepika
Planning Executive

Day and Date of hearing	Monday and 21.10.2024.
Proceeding recorded by	Ram Niwas

PROCEEDINGS OF THE DAY

Proceedings dated: 21.10.2024.

Ms. Deepika, Planning Executive and Sh. Ashish Dubey, Chartered Accountant briefed about the facts of the case. Sh. Suneet Puri (AR), Sh. Ajay Kumar (AR) and Sh. Shekhar Verma (AR) are present on behalf of the promoter. Sh. Pooja Aganpal (Advocate) and Sh. Manoj Kumar are present on behalf of the complainant.

The windchants condominium association has submitted a complaint copy of which was provided to the promoter against which the reply has been submitted by the promoter on 18.10.2024 & 21.10.2024. Further, both the parties windchants condominium association and the promoter of the project are present.

The complainant states that the builder has not yet handed over the IFMS to WCA inspite of the fact the WCA is maintaining the condominium till date irrespective of the fact that the promoter had launched, constructed and sold the project as per approved building plan of 2012. Now, the promoter company has merged an adjoining plot admeasuring 1.1965 acres acquired under license no. 99 of 2019 well after grant of EC in 2012. Due to merging of additional tower the existing services such as swimming pool, club house, etc. will be overloaded.



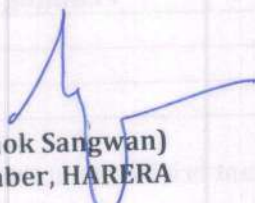
The association further stated that the percentage of the interest of the common area will be reduced after merging of the additional licensed land in the existing colony and consent of 2/3rd allottees is required as per the DTCP policy dated 28.01.2013.

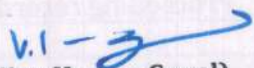
In reply to the same, Sh. Shekhar Verma (Advocate) for the promoter stated that the IFMS is a separate issue and will be dealt separately and nothing to do with the registration of the current application u/s 4. Regarding the grant of license no. 99 of 2019, for an area measuring 1.1965 acres, the Advocate of the promoter states that additional license no. 99 of 2019 was issued by competent authority as far back on 04.09.2019 and this fact has been in the knowledge of the association from the very beginning. Pertinently the association has never challenged the issuance of the said additional license issued more than 5 years back. It is not disputed that the dwelling units, community facilities, and EWS units shall be constructed over the said area, as per building plans already approved by the competent authority. He further stated that, all services such as STP, WTP, Fire fighting plant room, UGT, Electrical transformer, Power backup, Rain water harvesting, etc. are incorporated within the new proposed tower within 1.1965 acres. Thus, the new development is independent of the existing development in the manner that it does not affect the existing services in any manner.

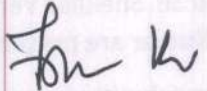
DTCP, instead of granting a stand-alone license, has granted the license in addition to the earlier license numbers 21 of 2008 & 28 of 2012 for an area measuring 23.431, thereby making total area measuring 24.6275 acres for developing the group housing colony. Further, phasing has been approved by DTCP vide memo no. ZP-595-III/AD(VK)/2023/38605 dated 10.11.2023. He further stated that the role of the authority was limited to ensuring that the requisite compliances have been placed on record. The legality of the approvals granted by the DTCP can only be challenged at the level of the competent authority in the Department of Town and Country Planning.

After hearing the parties and going through their submissions, the authority is of the view that the subject land for which registration has been applied under section 4 of RERA, 2016 comprises of a separate phase and can be registered by the promoter as a stand-alone real estate project in terms of explanation below section 3(2) of the Act, 2016. In view of the above, the application filed by the complainant association is found without merits and is declined.

The registration of the project is approved subject to necessary compliances and corrections in the A-H form and DPI.


(Ashok Sangwan)
Member, HARERA


(Vijay Kumar Goyal)
Member, HARERA


(Arun Kumar)
Chairman, HARERA