

Project hearing brief under section 4

S.N o	Particulars	Details		
1.	Name of the project	Ramprastha City- Sector 37C & 37D		
2.	Name of the promoter	M/s Ramprastha Estates Pvt. Ltd.		
3.	Nature of the project	Residential Plotted Colony		
4.	Location of the project	Sector 37C & 37D, Gurugram		
5.	Legal capacity to act as a promoter	Collaborator		
6.	Status of project	Ongoing		
7.	Whether registration applied for whole/Phase	Whole		
8.	Phase no. (If applicable)	N/A		
9.	Online application ID	RERA-GRG-1254-2022		
10.	License no.	128 of 2012 dated 28.12.2012	Valid upto 27.12.2025	
11.	Total licensed area	105.4020 acres	Area to be registered	105.4020 acres
12.	Project completion date as declared u/s 4(2)(I)(C)	31.12.2030		
13.	QPR Compliance (If applicable)	N/A		
14.	4(2)(I)(D) Compliance (If applicable)	N/A		
15.	Statutory approvals either applied for or obtained prior to registration			
	S.No	Particulars	Date of approval	Validity up to
	i)	License Approval	28.12.2012	27.12.2025
	(ii)	Part Demarcation-Cum-Zoning Plan Approval	Drg. No. DTCP 10494 dated 19.09.2024 Drg. No. DTCP 10495 dated 19.09.2024 Drg. No. DTCP 10496 dated 19.09.2024 Drg. No. DTCP 10497 dated 19.09.2024	
	(iii)	Layout cum Demarcation Plan approval	Drg. No. DTCP 10493 dated 19.09.2024	
	iii)	Layout plan Approval	Approved on 11.04.2023	

	iv)	Environmental Clearance	N/A	N/A
	v)	Service plan and estimate approval	Not submitted	
16.	Fee Details			
	A) Registration fee for plotted area		Residential (103.377 x 4046.86 x 10) = Rs. 41,83,522/- Commercial (2.0250 x 4046.86 x 20) = Rs. 1,63,898/-	
	B) Processing Fee		105.4020 x 4046.86 x 10= Rs. 42,65,471 /-	
	C) Late fee from October 2018 to 02.01.2023 (9 half years- 50*9= 450%)		Rs. 1,95,63,390 /-	
	Total Fee (A+B +C)		Rs. 2,81,76,281/-	
17.	RTGS Details			
	Receipt no.		1403	
	RTGS/Refer No. and Date		DD No. 704962 dated 31.07.2017 Refer no. 595310106 dated 01.12.2022	
	Fees Paid		Rs. 15,00,000/- Rs. 29,50,000/-	
	Deficit fee		Rs. 2,37,26,281/-	
18.	File Status		Date	
	File received on		02.01.2023	
	First notice Sent on		18.01.2023	
	Reply Submitted		21.01.2023	
	1 st hearing on		23.01.2023	
	2 nd hearing on		30.01.2023	
	3 rd hearing on		13.02.2023	
	4 th hearing on		13.03.2023	
	5 th hearing on		27.03.2023	
	6 th hearing on		29.03.2023	
	7 th hearing on		10.04.2023	
	8 th hearing on		01.05.2023	
	9 th hearing on		15.05.2023	
	10 th hearing on		12.06.2023	
	11 th hearing on		21.08.2023	
	12 th hearing on		09.10.2023	
	13 th hearing on		20.11.2023	
	14 th hearing on		07.12.2023	
15 th hearing on		15.01.2024		
16 th hearing on		19.02.2024		
17 th hearing on		01.04.2024		



	18 th hearing on	10.06.2024
	19 th hearing on	22.07.2024
	20 th hearing on	12.08.2024
	21 st hearing on	30.09.2024
	22 nd hearing on	21.10.2024
	23 rd hearing on	02.12.2024
19.	Case History: - The promoter M/s Ramprastha Estates Pvt. Ltd. who is a Collaborator applied for the registration of real estate project namely "Ramprastha City Sector 37C & 37D" Sector 37C & 37D, Gurugram, under section 4 of Real Estate (Regulation and Development), Act 2016 vide 21677/46822 02.01.2023 and RPIN-559. The Temp I.D. of REP - I (Part A-H) is RERA -GRG-1254-2022. The project area for registration is same as that of the licensed area i.e., 105.4020 acres. License no - 128 of 2012 dated 28.12.2012. The application for registration was scrutinized and 1st deficiency notice vide notice no. HARERA/GGM/RPIN/559 dated 18.01.2023 was issued to the promoter with an opportunity of being heard on 23.01.2023. On 23.01.2023, the matter is adjourned to 30.01.2023. On 30.01.2023, the matter is adjourned to 13.02.2023. On 13.02.2023, Ms. Deepika, Planning Executive and Mrs. Asha, Chartered Accountant briefed about the facts of the project. Sh. Sagar Gupta (AR) and Ms. Ruchi Mittal (AR) are present on behalf of the promoter. Today is 3rd hearing and deficiencies being yet to be removed. One last opportunity is given. The matter to come up on 13.03.2023. On 13.03.2023, Ms. Deepika, Planning Executive and Mrs. Asha, Chartered Accountant briefed about the facts of the project. Sh. Sagar Gupta (AR), Ms. Ruchi Mittal (AR) and Sh. Nitin Kumar (AR) are present on behalf of the promoter. The AR of the promoter states that the requisite fee has already been deposited taking into account the zero-period granted by Secretary TCP. The same shall be reconciled with the concerned staff within a period of ten days. The matter to come up on 27.03.2023. The promoter submitted a reply to wave off late fees which was imposed by the Authority in accordance for not getting the project registered which was ongoing at the time of RERA, 2016. In the reply Zero Period Order is submitted which has been issued by the Principal Secretary to Government Haryana Town and Country Planning Department, Chandigarh vide appeal no. 01 of 2021 dated 01.04.2021 wherein period from the date of issue of license i.e. 28.12.2012 up-to 01.09.2017 has been declared as zero period. On 27.03.2023, The matter is adjourned to 29.03.2023.	

On 29.03.2023, Ms. Prachi Singh, Planning Executive and Mrs. Asha, Chartered Accountant briefed about the facts of the project. Sh. Nikhil Jain, Sh. Sagar Gupta and Sh. Nitin Kumar are present on behalf of the promoter. Deficiencies have been conveyed to the applicant. The AR requests for a time of two weeks for submission of above deficit documents and deficit fee. The matter to come up on 10.04.2023.

On 10.04.2023, Ms. Deepika, Planning Executive and Mrs. Asha, Chartered Accountant briefed about the facts of the project. Sh. Sagar Gupta and Sh. Nitin Kumar are present on behalf of the promoter. The AR of the promoter seeks time to comply with the observations and also to submit a detailed representation regarding the late fee imposed. The matter to come up on 01.05.2023.

On 26.04.2023, Representation regarding not levy penalty for delay in registration of the project due to incorrect sectoral plan is submitted.

Representation: - The authority has received an application dated 02.01.2023 for registration of Residential Plotted Colony project namely "Ramprastha City- Sector 37C & 37D" under section 4 of the Real Estate (Regulation and Development) Act, 2016. License no 128 of 2012 of Plotted Colony on land 105.402 acres in 37C & 37D, Gurugram. Layout Plan was approved vide Drg.no.DGTCP-3442 in 2012. In application for approval of demarcation plan there were several inaccuracies in Sectoral Plan (37C & 37D) like HSIIDC Nala was not shown in government approved Sectoral Plan, Boundary lines of Basai & Gadauli Kalan wrongly depicted & not as per Sizra, Positions of Khasra Nos. marked on the Sectoral Plan were not correct. Further, the internal road of 24 mtrs. was getting adversely affected.

Furthermore, at the time of application for layout plan approval, there was no HT line passing through the colony, but later, DHBVN installed HT line passing through several plots demarcated as per approved layout plan. Therefore, for HT lines, separate green corridor needs to be created on land over which HT lines is installed. Due to such flaw, licensed area to the extent of approx. 7-8 acres is getting affected. Due to inaccuracies in Sectoral Plan, entire Layout Plan got disturbed after we had paid all dues. Due to HT lines after approval of drawings, green corridor as per norms be created afresh. It shall be noted that vide letter dated 07th April 2014, the promoter had already submitted new revised lay out plan depicting the actual site position on that day.

Further the promoter stated that after getting license in 2012, they were unable to demarcate the land as per layout. It took a lot of time to determine / ascertain that inability in demarcation is caused by flaws in sectoral plan. And they were informed that revised layout plan will only be approved once sector plan gets corrected. Meanwhile, the promoter company was still in process of getting sectoral plan of the Sectors falling under said license revised, the said license got expired on 27th December 2016. On 25th January 2017, the promoter received a letter bearing Memo No. SW-670 from District Town Planner, Gurugram wherein they clarified that the current sectoral plan was

incorrect, and changes has been communicated to Senior Town Planner, Gurugram vide Office Memo No. 5681 dated 06th December 2016.

Further, promoter was advised to submit revised layout plan after approval of revised sectoral plan. Copy enclosed. While promoter company was still in process of getting sectoral plan revised from the Directorate Town & Country Planning, Haryana, the Real Estate (Regulation & Development) Act, 2016 become applicable. Therefore, at that time the promoter also applied for registration of said project with Haryana Real Estate Regulatory Authority, Panchkula on 28th July 2017. Copy of Application is enclosed herewith. Further, the applicant promoter also deposited a fee of Rs. 15 Lakhs through Demand Draft bearing no. 704962 dated 31st July 2017 in favor of the Haryana Real Estate Regulatory Authority. On 01st September 2017, Directorate Town & Country Planning, Haryana vide Memo No. RCP-29-Vol.-XXII/SD(BS)/2017/21614 approved revised sectoral plan of Sector 37D, Gurugram. Copy of said memo is enclosed herewith.

In its letter having Memo no. LC-2485-PA(B)/2017/21811 dated 05th September 2017, Directorate Town & Country Planning, Haryana directed M/s Ramprastha Estate Pvt. Ltd. to pay pending EDC along with interest as per Schedule issued by the department and apply for renewal of license. Against the said letter, the promoter applicant submitted the application dated 26th September 2017 to the Director General, Town & Country Planning, Haryana to review/modify the order issued in its letter vide Memo No. LC-2485-PA(B)/2017/21811 dated 05th September 2017. On 9th November 2017, Director General, Town & Country Planning, Haryana vide Memo no. LC-2485-PA(B)/2017/28239 granted partial relief to the company and directed to pay entire EDC along with interest within 2 years.

On 03rd November 2020, the representation to Director General, Town & Country Planning, Haryana to treat the period from the date of grant of license no. 128 of 2012 till approval of revised layout plan as Zero Period due to incorrect sectoral plan. Director General, Town & Country Planning, Haryana again quashed the application for grant of relief and ordered to pay entire EDC along with interest and then get the license renewed in its order dated 13.01.2021. Then the promoter filed a revision petition before the Principal Secretary to Govt. Haryana Town & Country Planning Department, Chandigarh. Then, on 01st April 2021, the Hon'ble Principal Secretary to Govt. of Haryana, Town & Country Planning Department, Chandigarh granted them partial relief and period from date of issue of license no. 128 of 2012 i.e. 28.12.2012 to date of approval of revised sectoral plan i.e. 01.09.2017 was to be treated as "Zero Period" as far as the obligations of the licensee are concerned qua dues and other concomitant approvals and charges as appurtenant to this license. However, said Zero period order was passed on 01st April 2021, second wave of COVID 19 Pandemic impacted the nation and the promoter stated that they lost almost four to five months i.e. up to September 2021 in recovering from the impact of COVID and remobilizing the resources. Post recovering from the impact of COVID, the company discharged its EDC liability by arranging funds from either promoter's fund and/ or by taking loan from outside

lenders. As on date, no EDC amount is due against said license. Then in December 2021, the promoter company also paid off license renewal fees. Alongside the company kept on following up with the Directorate General, Town & Country Planning, Haryana to renew license. Once all the queries posed by the department were addressed and were fully satisfied, Directorate General, Town & Country Planning, Haryana granted us renewal of license no. 128 of 2012 dated 28th December 2012 vide Memo no. LC-2485-Asstt(MS)/2022/31823 dated 09th October 2022. The said license has been validated up to 27th December 2025. On 03rd November 2022, promoter applied for revision of layout cum demarcation/zoning plan to the Director General, Town & Country Planning, Haryana. Since, the last application for RERA registration got rejected due to expired license, the promoter reapplied for RERA registration only after obtaining renewal of license from DTCP, on 02nd January 2023. Hence license is already deposited the fees of Rs. 44.50 Lakhs towards registration of said project with Haryana Real Estate Regulatory Authority, Gurugram. Copy of submissions enclosed herewith. Further, the revised layout plan has also been approved by the Directorate, Town & Country Planning, Haryana vide Memo No. ZP-1678/PA(DK)/2023/10377 dated 12th April 2023. Copy of approval attached herewith.

On 01.05.2023, Due to administrative work, the matter is adjourned to 15.05.2023.

On 15.05.2023, Ms. Deepika, Planning Executive and Mrs. Asha, Chartered Accountant briefed about the facts of the project. Sh. Sagar Gupta (AR), Ms. Ruchi Mittal (AR) and Sh. Nitin Kumar (AR) are present on behalf of the promoter. The AR of the promoter requests for one month time for submission of the deficit documents. The matter to come up on 12.06.2023.

On 12.06.2023, Ms. Deepika, Planning Executive and Mrs. Asha, Chartered Accountant briefed about the facts of the project. Sh. Nitin Kumar (AR) is present on behalf of the promoter. The AR of the promoter requested for one month time to comply with the deficiencies and deficit fee should be dealt separately on file and penal proceedings be initiated for non-registration. The matter to come up on 21.08.2023.

On 21.08.2023, Ms. Deepika, Planning Executive and Mrs. Asha, Chartered Accountant briefed about the facts of the project. Sh. Nikhil Jain (Consultant) is present on behalf of the promoter who submits that the approval of revised plan has been obtained from DTCP and shall be filing its copy along with other deficit documents and seek 6 weeks' time for their submission including deficit fee. Request is allowed as last opportunity. The applicant respondent is also required to submit consent of 2/3rd allottees for revision in the plans. The matter to come up on 09.10.2023.

Complaint of Sh. Jivesh Govil (General Secretary, Ramprastha Plot Buyers Association) and Smt. Suman Govil dated 21st August 2023, 29th August 2023, 31st August 2023 and 01st September 2023 received in the Authority against M/s Ramprastha Estate Pvt. Ltd.

1. In the project the complainant purchased a 300 sq yard plot with 100% payment by cheque and documented BBA with allotment letter for plot B-282 in 2012 and also complainant's parents purchased the plot of 250 sq yard with 100% payment by cheques in 2015 and documents BBA with allotment letter for plot B-65.
2. In the above-mentioned case, the hon'ble Authority also passed the orders in court proceedings in complainant no. 4423 of 2020 with decision on 24.03.2021 and also imposed penalty with interest on builder of amount Rs. 1.257 crore paid against total consideration of Rs. 1.308 crore as the complainant had the due date of plot delivery on 14.05.2018. The same penalties were imposed in RERA order 4479 of 2020 on paid amount of Rs. 75.75 lakhs. Accordingly in the above matter the complainant claims that the promoter does not obey the court orders till now.
3. Afterwards there are some objections of complainant in respect of Revised layout plan:
 - a) Ramprastha estates has submitted the list of owners of sold units and despite all details they have not sought consent from any of the 300 plots buyers for change in plan.
 - b) In complainant case they have paid premium location charges at the rate of Rs. 10,000 per sq. yards and now due to change in layout plan some plots are relocated due to which location of the allotted plot to the complainant has changed.
 - c) As per the complainant the affidavit submitted by M/s Ramprastha Estates Pvt. Ltd. to DTCP about no objections from allottees on in-principal approval of revised layout plan is wrongfully submitted as no allottee was intimated about the same.
4. Complainant also stated that non-compliance of DTCP instruction to change existing receipts and plot buyer agreement from Ramprastha Promoters and Developers to M/s Ramprastha Estate vide memo no. LC-2485/Asstt(MS)2022/31823 dated 19.10.2022 is not done till date.

The prayer of the complainant is as follows:

1. Receive consents of 2/3rd of existing plot buyers by direct communication via email and letter for change in layout.
2. Revise existing payment slips and builder buyer agreements in the name of M/s Ramprastha Estates Pvt. Ltd.
3. Comply with HARERA orders on submitted complaints and execution orders.

In the reply submitted by the promoter on 07.11.2023, The Key points regarding the non-applicability of the late Fee for the delay in submission of the application for registration of the Project

- The applicant developer filed an application under section 20 of the Haryana Development & Regulation of Urban Areas Act, 1975 before the Principal Secretary to the Government of Haryana Town & Country Planning Department.
- The Principal Secretary observed that the license without a LoP is merely a document with no actionable plan for the developer/licensee. The revised Sectoral Plan of Sector -37 was finally prepared and approved on 01.09.2017 superseding and replacing the earlier Sectoral Plan issued on 19.12.2012.
- The Principal Secretary to Government of Haryana Town & Country Planning Department vide its order dated 01.04.2021 had considered and allowed the period between the date of license was issued by the department i.e., 28.12.2012 and the date of approval of the revised/correct Sectoral Plan i.e. 01.09,2017 is justified to be counted as delay on behalf of the department and the same shall be treated as 'Zero Period' as far as the obligations of the Licensee are concerned qua dues and other concomitant approvals and charges as appurtenant to this license.
- After the aforementioned order, the applicant developer approached the licensor for revision of LoP and was told to first get the license to be renewed. As per the provision of Haryana Development and Regulation of Urban Areas Rules, 1976, the license was renewed up to 27.12.2025 vide Memo No. LC-2485/Asstt(MS)/2022/31823 dated 19.10.2022.
- Thereafter the Developer had applied for the revision of layout plans of said resident plotted colony vide application dated 03.11.2022 with the competent authority and obtained the in-principal/provisional approval for the same vide Memo No. ZP-1678/PA(DK)/2023/10377 dated 12.04.2023.
- As rightly observed by the appellant authority the license without a LoP is merely a document with no actionable plan for the developer/licensee. After renewal of license and making an application for the revision of layout plans of said resident plotted colony vide application dated 03.11.2022 the applicant made an application U/s 4 of the Act for the grant of registration of real estate projects "Ramprastha City - Sector 37C & 37D" developed by M/s Ramprastha Estates Private Limited on 02.01.2023.
- It is an admitted fact that the license without a valid LoP is merely a document with no actionable plan for the developer/licensee. Further, due to a lapse on the part of the department for correction in the sectoral plan, the period from issuance of the license up to 01.09,2017 was treated as 'Zero Period' and the developer was relieved from all the obligations of the Licensee concerned qua dues and other concomitant approvals and charges as appurtenant to this license
- It is pertinent to note that due to the consideration of zero period and the absolve of all obligations pertaining to the license, there was effectively no license existed on or before 01.05.2017 the effective license period started from 01.09.2017 and the project did not fall in the definition of 'ongoing project' and not liable for any late fee for registration of ongoing project.
- The Haryana Real Estate Regulatory Authority Gurugram (Fixing of Standard Fees to be levied on the Promoter) Regulations, 2021 also reconfirm that late fee is only payable by the promoters/developers for registration of "Ongoing" real



estate projects where applications for registration are submitted after 28th October 2018. From the above para, it's clear that the project was not an ongoing project and no late fee would be applicable.

- In view of the above discussion, it is crystal clear that the current real estate project did not fall in the definition of an 'ongoing project' and is not liable for any late fee for the delay in Submission for the registration of the ongoing project. So, in view of the above, we request your good office to remove the late fee from the fee calculation.

Key point in obtaining consent of at least two-thirds of the allottees for revision in the layout plan u/s 14(2)

- Appropriate Government's issued directions to Authority u/s 83 of the Act for the resolution of the matter regarding fulfillment of the provisions of Section 14(2) of the RERA Act vide Memo No. Misc-2295/2021/1775 Dated 25/01/2021;
- The said policy prescribed procedure for addition/alteration in sanctioned plans, viz., layout plans, building plans, etc as prescribed under the policy No. Misc-2295/2021/1775 Dated: 25/01/2021 and the above prescribed policy shall be adopted and sufficient for the purpose of considering objections/suggestions of the allottees, in fulfillment of the provisions of Section 14(2) of the RERA Act, 2016 as well as the requirements, if any, under the Act of 1975;
- The Government of Haryana reiterates its stand regarding seeking 2/3 consent vide Memo No. Misc-862/2023/7/1/2023-2TCP/11689-91 dated 24.04.2023, that for any revision in the sanctioned layout plan/ building plan in a colony, the provisions of the policy instructions dated 25.01.2021 shall continue to be applicable;
- It is worthwhile to note that the explicit provision of section 83(1) of the Act regarding the issuance of direction and its adoption is **binding upon the authority in the exercise of its powers and in the performance of its functions under this Act, it was not open to the authority to act against the direction issued under the said section;**
- These two policy instructions/ clarifications were issued for the coordinated functioning of statutory authorities under the Haryana Development and Regulation of Urban Areas Act 1975; Real Estate (Regulation and Development) Act 2016 and Haryana Apartment Ownership Act 1983.
- it is clear that the adoption and following the procedure prescribed vide policy Memo No. Misc-2295/2021/1775 Dated 25/01/2021 for the purpose of considering objections/suggestions of the allottees is sufficient in fulfilment of the requirement of provisions of Section 14(2) of the RERA Act, 2016 as well as the requirements, if any, under the Act of 1975. So, there is no need to seek any additional consent in this regard.
- In view of the above, we feel it is a fit case for not seeking any additional consent to Section 14(2) of the RERA Act, 2016 as well as not imposing any penalty for

violation of Section 14(2) of the Act and in any scenario is not a condition to holding the registration of the project under section 5 of the Act.

On 09.10.2023, Ms. Deepika, Planning Executive and Mrs. Asha, Chartered Accountant briefed about the facts of the project. Sh. Nikhil Jain (Consultant) is present on behalf of the promoter but no authorization on behalf of the company is submitted. Further, a copy of the complaint received be also sent to the respondent for reply. The promoter to ensure submission of requisite deficit fee and remaining deficit documents within two weeks. Further, the promoter to ensure that only duly authorized representative is deputed for attending the meeting. The matter to come up on 20.11.2023.

On 20.11.2023, Ms. Deepika, Planning Executive and Mrs. Asha, Chartered Accountant briefed about the facts of the project. Shri Yash Sharma and Nikhil Jain (Consultant) present on behalf of the promoter and states that they are agreed to pay the requisite late fees along with the other deficiencies which is already conveyed through deficiency notice and seeks a short adjournment. The authority also directed the promoter to submit the reply in respect of the complaint submitted in the Authority as well as the copy of the same has been already given to the promoter. The matter to come upon 11.12.2023.

On 21.11.2023, The reply had been submitted regarding the complaint of Sh. Jivesh Govil (General Secretary, Ramprastha Plot Buyers Association) and Smt. Suman Govil in the Authority which is as follows:

1. The company had applied for revision of the layout plan owing to certain discrepancies with the sectoral plan. Needless to state that post compliance of requisite formalities, and as no objections were received against the said revision, the DTCP was pleased to allow the revised layout plan vide its intimation letter dated 16.06.2023.
2. That with respect to claims for compensation, as filed by the complainant, the undersigned company most humbly submits that it is in the process of settling the matter with the complainants.
3. That as such, the complaint filed by Mr. Jivesh Govil and Mrs. Suman Govil, is belated, as the period for raising any objection to the revised plan has already been lapsed, however, the undersigned company is taking best of the efforts to settle the dispute with the complainants.

On 08.12.2023, Complaint of Sh. Vivek Arora and Sh. Yuvraj Arora received in the Authority against M/s Ramprastha Estate Pvt. Ltd. which as follows:

the complainant purchased 77 plots of 250 sq. yds. Each in the said project. the applicants/objectors herein in the year 2006. The said allotments were made after payment of full and final consideration of Rs. 8.84 Crores and the booking was also confirmed by an email also. Hence, the aforesaid facts clearly demonstrate that:

- As far back as 2006 the Ramprastha Group which includes M/s Ramprastha Developers Private Limited and M/s Ramprastha Estates Private Limited have been

marketing and selling residential plots in Ramprastha City, Sector-37C and 37D, Gurugram, Haryana.

- That payment consideration in respect of 77 plots of 250 sq. yds. each has been made by the applicants herein in respect of the said Ramprastha City, Sector-37C and 37D, Gurugram, Haryana which is admitted by the contents of Letters dated 18.03.2009 and the Email dated 27.07.2015.
- The payment consideration is duly acknowledged by the various submissions made by Ramprastha Group before the EOW, Delhi Police and NCLT, Chandigarh wherein the said group has even tendered the payment amount.
- That as far back as 2019 the Ramprastha Group had categorically stated before the EOW that the project is complete with layout work etc. having been already completed.

Also, no approval for change of zoning plan has been taken from the applicants herein who own 77 plots in the project of 250 sq. yards, each and therefore the change of zoning plan is in violation of the applicable policy and provisions of RERA Act. Therefore, it is clear and apparent that the existing application is based on false and incorrect facts and particulars. The promoters have been violating Section 3 of the RERA Act by marketing, booking and selling the project "Ramprastha City" since 2006 itself. Hence the promoters are involved in unfair practice and irregularities as elaborated in the preceding paras and has made false and misleading representation along with indulging in fraudulent practice.

On 11.12.2023, Ms. Deepika, Planning Executive and Mrs. Asha, Chartered Accountant briefed about the facts of the project. Sh. Yash Sharma (AR) and Nikhil Jain (AR) present on behalf of the promoter. The AR requests for a time of four weeks for submission of above deficit documents and deficit fee. The matter to come up on 15.01.2024.

On 26.12.2023, The application from Sh. Jivesh Govil dated 19.12.2023 received in the authority against M/s Ramprastha Estate Pvt. Ltd. regarding the response of the application submitted in the office of Senior Town Planner, Gurugram having memo no. STP(G)/2023 5848 dated 18.09.2023.

On 04.01.2024, the notice regarding recovery of late fees was also sent to the promoter and till date no reply has been received.

On 15.01.2024, Ms. Deepika, Planning Executive and Sh. M. L. Sardana (Accountant) briefed about the facts of the project. None is present on behalf of the promoter. Despite grant of four weeks' time as requested by the AR of the promoter on the last date of hearing, again a request vide email dated 15.01.2024 has been received today for grant of another four weeks for deposit of deficit fee and none has appeared on behalf of the promoter. The Authority observed that this is the 15th opportunity granted to the promoter to rectify the deficiencies. It is also noted that the promoter has already

created 3rd party rights in the project sought to be registered and a large number of complaints have been received with respect to sale/alleged sale of plots in the project sought to be registered. Besides above there are a number of other deficiencies which have been conveyed to the promoter but not yet rectified and the same includes revision in the layout plan without prior consent of 2/3rd allottees in violation of section 14 of the Act of 2016. Therefore, the Authority decides to issue a show cause notice as to why the application for registration (made after a lapse of more than five years from the obligation under section 3 of the Act of 2016) be not rejected and further penal action under section 59 of the Act be not initiated. The matter to come up on 19.02.2024.

On 19.02.2024, Ms. Deepika, Planning Executive and Sh. Ashish Dubey, Chartered Accountant briefed about the facts of the project. Shri Yash Sharma and Nikhil Jain, ARs of the promoter are present. Despite 16 hearings, the promoter has been unable to rectify the deficiencies. The AR of the promoter company seeks one last opportunity to rectify the remaining deficiencies including the payment of late fees for the registration. The application for approval of demarcation/zoning plan is already submitted to DTCP and is under consideration of the field office for sending the report to DTCP. A show cause notice for rejection of the registration application is being issued separately. The matter to come up on 01.04.2024.

On 23.02.2024, Show cause notice for rejection of application for registration of the real estate Residential Plotted Colony project namely "Ramprastha City- Sector 37C & 37D" was dispatched and till date no reply has been submitted in the Authority.

On 29.03.2024, reply towards show cause notice for rejection was submitted.

On 10.06.2024, Ms. Deepika, Planning Executive and Sh. Ashish Dubey, Chartered Accountant briefed about the facts of the project. Sh. Yash Sharma (AR) and Sh. Nikhil Jain (AR) are present on behalf of the promoter. The AR states that a number of deficit documents have been submitted on 07.06.2024 which be examined by the office. Further, the AR seeks four weeks' time for submission of approved zoning plan/demarcation plan which otherwise has been cleared by local field office and has been sent to DTCP office. The matter to come up on 22.07.2024.

On 22.07.2024, The matter is adjourned and to come up on 12.08.2024.

On 12.08.2024, Ms. Deepika, Planning Executive and Sh. Ashish Dubey, Chartered Accountant briefed about the facts of the project. Sh. Arvind Walia (AR) and Sh. Yash Sharma (AR) are present on behalf of the promoter. The AR of the promoter seeks six weeks' time for submission of approved zoning plan/demarcation plan along with other observations and also to submit an undertaking stating that if the approved zoning/demarcation plan is not received within 6 weeks, the application is liable to be rejected. The matter to come up on 30.09.2024.



On 21.08.2024, undertaking submitted, stating that the approval of part demarcation and zoning plan in the matter of registration within 6 weeks from the date of this undertaking (i.e. 13.08.2024). this submission will be made to HARERA with all applicable guidelines and requirements.

On 30.09.2024, Ms. Deepika, Planning Executive and Sh. Ashish Dubey, Chartered Accountant briefed about the facts of the project. Sh. Yash Sharma (AR) is present on behalf of the promoter and states that detailed reply to the deficiencies along with copy of approved zoning plan and demarcation plan has been submitted in the Authority on 27.09.2024. Further the requirement of obtaining 2/3rd consent is not applicable in view of the policy issued by ACS TCP Memo No Misc-862/2023/7/1/2023-2TCP/11689-91 dated 24.04.2023 The addendum to the MOU incorporating the clause of irrevocability of the collaboration, including the names of all landowners in the agreement, and the amendment of the clause regarding the transfer of development and marketing rights of the land to the promoter company, will be submitted in 10 days with the list of units earmarked along with other deficit documents. The matter to come up on 21.10.2024.

On 21.10.2024, Ms. Deepika, Planning Executive and Sh. Ashish Dubey, Chartered Accountant briefed about the facts of the project. Shri Yash Sharma and Nikhil Jain (Consultant) are present on behalf of the promoter. The addendum to the MOU incorporating the clause has been submitted by the promoter today. Further, the promoter stated that according to the policy issued by ACS TCP Memo No Misc-862/2023/7/1/2023-2TCP/11689-91 dated 24.04.2023 the consent is not required as per clause 3(iii) & 3(v) which is to be examined by the office vis-à-vis revision in the layout plan. A public notice in three newspapers (2 English and 1 Hindi) of wide circulation shall be issued with respect to revision in the layout plan for inviting objections, if any within a period of two weeks. All the issues need to be examined on file for decision of the authority. The matter to come up on 11.11.2024.

On 11.11.2024, The matter is adjourned and to come up on 02.12.2024.

As per the directions of the authority, the deficiencies were dealt on the file. Further, the draft advertisement was submitted for signatures but has not been issued till date, as the authority has stated that a decision on the 2/3rd consent must be made first before it is issued.

20. Present compliance status as on 02.12.2024 of deficient documents as observed on last hearing i.e. 11.11.2024.	1. Deficit Fee – Rs. 2,37,26,281/- (Registration and processing fees of Rs. 86,12,891/- and late fees of Rs. 1,95,63,390/-) needs to be submitted. The fee is calculated on the basis of approved revised layout plan. Status- Submitted Rs. 2,37,26,281/- dated 28.03.2024 vide UTR no. UBINH24088414614
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	2. 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- Submitted, but corrections need to be done. 3. Corrections marked on the hard copy of online DPI need to be done. Status- Submitted, but corrections need to be done. 4. Approved Layout plan on A1 size sheet (laminated) needs to be submitted. Status- Submitted 5. Approved Demarcation plan on A1 size sheet (laminated) needs to be submitted. Status- Submitted 6. Approved Zoning plan on A1 size sheet (laminated) needs to be submitted. Status- Submitted 7. Copy of approved Service plans and estimates needs to be submitted. Status- Not Submitted 8. Copy of super imposed demarcation plan on the approved layout plan needs to be submitted. Status- Not Submitted 9. Electrical load availability connection needs to be submitted. Status- Submitted 10. List of sold and unsold units needs to be submitted. Status- Submitted 11. As layout plan is revised the prior written consent from 2/3rd allottees of the project needs to be submitted. Status- Not Submitted, stating that for revision in the layout plan the promoter adopted the procedure prescribed in policy misc-2295/2021/1775 dated 25.01.2021 for the purpose of considering objections/ suggestions of the allottees is sufficient in fulfillment of the requirement of the provision of the section 14(2) of the RERA Act, 2016 as well as requirements, if any, under the Act of 1975. So, there is no need to seek any additional consent in this regard.
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		12. Documents relating to the entry of license and collaboration agreement in the revenue record needs to be submitted. Status- Not Submitted as promoter stated that the collaboration agreements were entered in the year 2010 and no such requirement of getting them entered in the revenue record was there and therefore same is not entered in revenue record. Whereas, the license entry in the revenue record is submitted. 13. Collaboration agreement needs to be registered. Status- Registered Development rights agreement submitted. The agreement is executed between M/s Ramprastha Promoters and Developers Pvt. Ltd. (applied in the name of M/s Ramprastha Estate Pvt. Ltd. which is a collaborator according to the license granted by the DTCP) and various land owners. • Whereas, in the agreement all the land owners are not mentioned. • In the Agreement there is no irrevocable clause is mentioned except this termination clause is there and the same needs to be clarify. • The agreement contains the objectionable clauses in sub head of "Transfer of development rights. • The marketing rights are also not given to the promoter in the agreement. Also, the promoter has submitted the GPA which is not registered. 14. The land title search report needs to be submitted. Status- Submitted 15. Documents-related to Existing Allottees (Application form, Allotment letter, builder buyer agreement, conveyance deed and Payment receipt) needs to be submitted. Status- Submitted 16. Revised Application form, conveyance deed and Payment receipt need to be submitted in prescribed format. Status- Submitted
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	17. Cost of the land needs to be clarified according to the area applied for the registration along with annexure. Status- Submitted 18. Legible copy of COI, MOA and AOA needs to provided. Status- Submitted 19. CA certificate for non-default in payment needs to be revised. Status- Submitted 20. Bank undertaking needs to be provided. Status- Submitted 21. Quarterly schedule of estimated expenditure needs to be provided. Status- Submitted 22. Affidavit of promoter regarding arrangement with the bank of master account needs to be submitted. Status- Submitted 23. CHG 1 or Non encumbrance certificate not below the rank of tehsildar needs to be submitted. Status- Submitted 24. The board resolution for operation of bank account needs to revised. Status- Submitted 25. KYC of Project proponents need to be provided. Status- Submitted 26. Cash flow statement needs to be provided. Status- Submitted 27. REP II needs to be provided. Status- Submitted 28. CA certificate for cost incurred and to be incurred needs to be provided. Status- Submitted 29. Annual statement of the financial year 2020-21 along with independent auditor and director report needs to be provided. Status- Submitted 30. Independent auditor and director report for the financial year 2021-22 and 2019-20. Status- Submitted 31. Project report needs to be provided. Status- Submitted 32. Other cost and interest to financial institutions in miscellaneous cost needs to be clarified along with supporting document.
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		Status- Submitted 33. Statement of quarterly expenditure needs to be provided. Status- Submitted 34. Affidavit of 10% auto deduct of EDC from separate account under section 4(2)(I)(D) needs to be submitted. Status- Submitted 35. Copy of paid EDC challan needs to be provided. Status- Submitted 36. CA certificate regarding proportionate the loan amount between the project. Status- Submitted 37. Draft Brochure for the project needs to be submitted. Status- Submitted 38. Draft Advertisement document needs to be submitted. Status- Submitted
21.	Remarks	1. The annexures in the online application are not uploaded as well as correction needs to be done in the online (A-H) application. 2. Corrections marked on the hard copy of online DPI need to be done. 3. Copy of approved Service plans and estimates needs to be submitted. 4. Copy of super imposed demarcation plan on the approved layout plan needs to be submitted. 5. As layout plan is revised the prior written consent from 2/3rd allottees of the project needs to be submitted. 6. Documents relating to the entry of collaboration agreement in the revenue record needs to be submitted. 7. Collaboration agreement needs to be registered. Status- Registered Development rights agreement submitted. The agreement is executed between M/s Ramprastha Promoters and Developers Pvt. Ltd. (applied in the name of M/s Ramprastha Estate Pvt. Ltd. which is a collaborator according to the license granted by the DTCP) and various land owners. • Whereas, in the agreement all the land owners are not mentioned.



- In the Agreement there is no irrevocable clause is mentioned except the termination clause the same needs to be clarify.
 - The agreement contains the objectionable clauses in sub head of "Transfer of development rights which needs to be amended.
 - The marketing rights of land is not given to the promoter in the agreement.
- Also, the promoter has submitted the GPA which is not registered.

Ashish

(Ashish Dubey)
Chartered Accountant

Deepika

(Deepika)
Planning Executive

Day and Date of hearing

Monday and 02.12.2024

Proceeding recorded by

Ram Niwas

PROCEEDINGS OF THE DAY

Proceedings dated: 02.12.2024

Ms. Deepika, Planning Executive and Sh. Ashish Dubey, Chartered Accountant briefed about the facts of the project.

Sh. Nikhil Jain (AR) and Sh. Laxmikant Saini (CA) are present on behalf of the promoter.

The promoter has been asked to submit 2/3rd consent of the allottees in view of the changes in the earlier approved layout plan. The authorization on behalf of the landowner/collaboration company singing be submitted and copy of loan sanction letter and NOC. The copy of objections received shall also be supplied to the respondents and reply to the same be submitted within 2 weeks. Further, the promoter is directed to remove the pending deficiencies as already conveyed and also mentioned at serial no. 21 (Remarks).

The matter to come up on 20.01.2025.

Ashok Sangwan
(Ashok Sangwan)
Member, HARERA

Vijay Kumar Goyal
(Vijay Kumar Goyal)
Member, HARERA

Arun Kumar
(Arun Kumar)
Chairman, HARERA