

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

Temp ID- RERA-GRG-1723-2024
Smartworld Sky Arc
Hearing brief for registration of Project u/s 4

S.No	Particulars	Details		
1.	Name of the project	Smartworld Sky Arc		
2.	Name of the promoter	M/s Riverday Infrastructure Pvt Ltd		
3.	Nature of the project	Mix Land Use Colony		
4.	Location of the project	Sector- 69, Gurugram		
5.	Legal capacity to act as a promoter	Change of Developer		
6.	Name of the license holder	M/s Modgen Developers Pvt Ltd		
7.	Status of project	New		
8.	Whether registration applied for whole	No. there are 5 Phases		
	Phase no. applied	1		
	Nature of phase	Mix Land Use Colony		
9.	Online application ID	RERA-GRG-PROJ-1723-2024		
10.	License no.	90 of 2024 dated 18.07.2024	Valid till 17.07.2029	
11.	Total licensed area	11.66875 acres	Area to be registered	
			6.97635 acres	
12.	Projected completion date	OC - 31.05.2032		
		CC - 31.12.2032		
13.	QPR Compliances	N/A as new project		
14.	4(2)(I)(D) Compliances	N/A as new project		
15.	4(2)(I)(C) Compliances	N/A as new project		
16.	Status of change of bank account	N/A as new project		
17.	Details of proceedings pending against the project	N/A as new project		
18.	RC Conditions Compliances	N/A as new project		
19.	Statutory approvals either applied for or obtained prior to registration			
	S.No	Particulars	Validity upto	
	i)	License Approval	90 of 2024 dated 18.07.2024	17.07.2029
	ii)	Zoning Plan Approval	DRG. NO. DTCP 10372 dated 18.07.2024	-
	iii)	Building plan Approval	Memo no. ZP-2017/PA(DK)/2024/29698 dated 19.09.2024	18.09.2029
	iv)	Airport clearance height	AAI/RHQ/NR/ATM/NOC/2023/179/650-53 dated 14.03.2023	13.03.2031
	v)	Environmental Clearance	Not submitted	
	vi)	Fire scheme approval	Not submitted	
	vii)	Service plan and estimate approval	Not submitted	



20.	Fee Details		
	Registration Fee	Resi. - 158034.13 * 3.62 * 10 = Rs 57,20,836/- Comm. - 685.74 * 3.62 * 20 = Rs 49,648/- Total = Rs 57,70,484/-	
	Processing Fee	158719.87 * 10 = Rs 15,87,199/-	
	Late Fee	N/A	
	Total Fee	Rs 73,57,683/-	
21.	RTGS/DD amount	Rs 4,00,000/- Rs 1,00,000/- Rs 14,79,800/- Rs 53,18,700/- Rs 60,000/-	
	RTGS/DD no. and date	506888 dated 30.08.2024 506889 dated 30.08.2024 510064 dated 20.09.2024 510063 dated 20.09.2024 Online ID - M3437528 dated 01.10.2024	
	Name of the bank issuing	ICICI Bank	
	Deficient amount	Nil	
	22.	File Status	Date
		File received on	30.08.2024
Additional documents submitted on		20.09.2024	
First notice sent on		27.09.2024	
First hearing on		30.09.2024	
Second hearing on		07.10.2024	
23.	<p>Case History: The Promoter M/s Riverday Infrastructure Pvt Ltd who is a Change of Developer applied for the registration of real estate project Phase 1 of Mix land use colony namely "Smartworld Sky Arc" located at Sector-69, Gurugram under section 4 of the Real Estate (Regulations and Development) Act, 2016 vide central receipt no. 78208 dated 30.08.2024 and RPIN-786. The Temp I.D. of REP - I (Part A-H) is RERA -GRG-PROJ-1723-2024. The project area for registration is 6.97635 acres out of total licensed area 11.66875 acres vide license no. 90 of 2024 dated 18.07.2024.</p> <p>The promoter had obtained the license no. 90 of 2024 dated 18.07.2024 after migration of part area 11.5 acres from total area 14.6875 acres of license no. 29 of 2009 dated 24.06.2009 and some fresh land measuring 0.16875 acres. Further the promoter had obtained the phasing plan approval from DTCP vide Memo no. ZP-2017/PA(DK)/2024/29668 dated 19.09.2024. The total licensed area has been divided into five phases and herein the promoter has applied for phase-1.</p> <p>The application for registration of the project was scrutinized and earlier it was found that that the approval of building plans (BR-III) was not available in the file submitted by the promoter & accordingly file was put up before the authority with a proposal that the application submitted by the promoter along with DDs may be returned with the direction to submit the file after obtaining the approval of building plans. The proposal was approved by the authority to be conveyed during the first hearing scheduled on 30.09.2024. But later on the promoter has submitted the approved building plans (BR-III) along with other documents</p>		



on 20.09.2024 received in this branch on 24.09.2024. Accordingly, the file has been scrutinized and there were deficiencies in the application which have been mentioned in EO, CA scrutiny.

Hence, instead of returning the file as the building plans have already been submitted, the promoter may be issued 1st deficiency notice with the opportunity of hearing.

As per approval of the authority, the application for registration was scrutinized and 1st deficiency notice vide notice no. HARERA/GGM/RPIN/786 dated 27.09.2024 was issued to the promoter on 30.09.2024 with an opportunity of being heard on 30.09.2024.

On 30.09.2024, Sh. Sumeet, Engineering Officer and Ms. Asha, Chartered Accountant briefed about the facts of the case. Sh. Abhijeet Singh (AR) and Sh. Manik Sharma (AR) are present on behalf of the promoter. The promoter has obtained the approval of building plans on 20.09.2024 and accordingly the application of the promoter has been scrutinized and the deficiencies in the application file are conveyed to the promoter today itself. The promoter is directed to submit the reply to the same. The matter to come up on 07.10.2024.

The promoter has submitted a reply on 01.10.2024 which has been scrutinized and the status of documents is mentioned below.

24. Present compliance status as on 07.10.2024 of deficit documents in the application conveyed in deficiency notice

1. Deficit Fee- Rs 59,183/- needs to be submitted.
Status: Submitted vide online transfer no. M3437528 dated 01.10.2024 amount Rs 60,000/-.
2. The annexures in the online application are not uploaded as well as the correction needs to be done in the online (A-H) application.
Status: Submitted but correction needs to be done
3. Online DPI needs to be corrected.
Status: Submitted but correction needs to be done
4. Status of registration and development of project under license no. 29 of 2009, part area of which stand migrated to license no. 90 of 2024 applied herein for registration needs to be submitted.
Status: Promoter states that license no. 29 of 2009 granted for 15 acres out of which 11.5 acre migrated to 90 of 2024 & 03125 acres delicensed. Area after migration & delicense in license no. 29 of 2009 is 3.1875 acres. Modgen obtained license 90 of 2024 for area admeasuring 11.66875 acres with migration & additional land. The sale certificate/deed registered by which 15 acres of IT park license was conveyed to Modgen clearly excluding the building constructed on the said land measuring 3.1875 acres for which OC stand granted and had already conveyed to Neil Maxinfra Pvt Ltd on As-is-Where-is basis. The said building is 100% functional lease out to Genpact prior to conveyance of 15 acres land to Modgen. Further, the status needs to be clarified & submitted.
5. Environmental Clearance needs to be submitted.



		<p>Status: Not submitted. However, Applied and recommended to SEIAA by SEAC for approval</p> <p>6. Fire scheme approval needs to be submitted. Status: Not submitted. However, applied on 26.09.2024.</p> <p>7. Approved service plan and estimates needs to be submitted. Status: Not submitted. However, applied on 27.09.2024.</p> <p>8. Collaboration agreement needs to be clarified regarding the revenue sharing between the land owner and the developer. Status: Promoter referred clause 3 (3.1 to 3.4) wherein it is stated that Developer shall pay refundable security deposit Rs 300 cr to owner within 3 months of signing document or RERA certificate whichever is later as and when mutually agreed and in addition agrees to pay refundable security deposit Rs 600 cr which is refundable and payable as and when mutually agreed depending upon progress of project. Further, developer agrees to finalize, allocate and pay a certain extent of total net revenue which shall be calculated as per Schedule-II attached.</p> <p>9. Mining permission needs to be submitted. Status: Not submitted. Promoter states to obtain and submit at the time of commencement of construction.</p> <p>10. Road access permission needs to be submitted. Status: Promoter states that the project is already connected to SPR via functional 24 mt road which is licensed land. Further if any approval required than the same will be obtained before completion.</p> <p>11. EDC and IDC needs to be mentioned as per area applied for registration. Status: Promoter states that license area is 11.66875 acres and obtained phasing approval comprising five phases. Budget for EDC and IDC has been taken for whole license in this phase and further EDC/IDC to be paid if any shall be towards grant of additional FAR under TDR or others approval of RERA will be applied as & when approved by competent authority.</p>
25.	Remarks	<p>1. The annexures in the online application are not uploaded as well as the correction needs to be done in the online (A-H) application. Status: Submitted but correction needs to be done</p> <p>2. Online DPI needs to be corrected. Status: Submitted but correction needs to be done</p>



3. Status of registration and development of project under license no. 29 of 2009, part area of which stand migrated to license no. 90 of 2024 applied herein for registration needs to be submitted.

Status: Promoter states that license no. 29 of 2009 granted for 15 acres out of which 11.5 acre migrated to 90 of 2024 & 0.3125 acres delicensed. Area after migration & delicense in license no. 29 of 2009 is 3.1875 acres. Modgen obtained license 90 of 2024 for area admeasuring 11.66875 acres with migration & additional land. The sale certificate/deed registered by which 15 acres of IT park license was conveyed to Modgen clearly excluding the building constructed on the said land measuring 3.1875 acres for which OC stand granted and had already conveyed to Neil Maxinfra Pvt Ltd on As-is-Where-is basis. The said building is 100% functional lease out to Genpact prior to conveyance of 15 acres land to Modgen. Further, the status needs to be clarified & submitted.

4. Environmental Clearance needs to be submitted.

Status: Not submitted. However, Applied and recommended to SEIAA by SEAC for approval

5. Fire scheme approval needs to be submitted.

Status: Not submitted. However, applied on 26.09.2024.

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

Status: Not submitted. However, applied on 27.09.2024.

7. Collaboration agreement needs to be clarified regarding the revenue sharing between the land owner and the developer.

Status: Promoter referred clause 3 (3.1 to 3.4) wherein it is stated that Developer shall pay refundable security deposit Rs 300 cr to owner within 3 months of signing document or RERA certificate whichever is later as and when mutually agreed and in addition agrees to pay refundable security deposit Rs 600 cr which is refundable and payable as and when mutually agreed depending upon progress of project. Further, developer agrees to finalize, allocate and pay a certain



		<p>extent of total net revenue which shall be calculated as per Schedule-II attached.</p> <p>8. Mining permission needs to be submitted. Status: Not submitted. Promoter states to obtain and submit at the time of commencement of construction.</p> <p>9. Road access permission needs to be submitted. Status: Promoter states that the project is already connected to SPR via functional 24 mt road which is licensed land. Further if any approval required than the same will be obtained before completion.</p> <p>10. EDC and IDC needs to be mentioned as per area applied for registration. Status: Promoter states that license area is 11.66875 acres and obtained phasing approval comprising five phases. Budget for EDC and IDC has been taken for whole license in this phase and further EDC/IDC to be paid if any shall be towards grant of additional FAR under TDR or others approval of RERA will be applied as & when approved by competent authority.</p>
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Asha
Asha

Chartered Accountant

Sumeet

**Sumeet
Engineering Officer**

Day and Date of hearing

Monday and 07.10.2024

Proceeding recorded by

Ram Niwas

PROCEEDINGS OF THE DAY

Proceedings dated: 07.10.2024

Sh. Sumeet, Engineering Officer and Ms. Asha, Chartered Accountant briefed about the facts of the case.

Sh. Abhijeet Singh (AR), Sh. Manik Sharma (AR) and Sh. Bharat Vigmal (AR) are present on behalf of the promoter.

The AR of the promoter stated that project is licensed by DTCP vide license no. 29 of 2009. However now part area of which stands migrated to license no. 90 of 2024. Further submits that M/s Modgen Developers Pvt Ltd have purchased the entire earlier licensed land area measuring 15 acres from M/s Indiabulls Housing Finance Ltd under Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (54 of 2002) vide conveyance deed dated 08.12.2022 & Sale Certificate dated 08.12.2022 clearly excluding the building constructed on the land measuring 3.1875 acres for which OC stands granted on 08.11.2019 and had already conveyed to Neil Maxinfra Pvt Ltd on As-is-Where-is basis and is 100% functional leased out to Genpact prior to conveyance of 15 acres land to M/s Modgen Developers Pvt Ltd.



The AR of the promoter states that the earlier licensed area vide license no. 29 of 2009 dated 24.06.2009 is not registered with the authority. However, OC for existing building on an area admeasuring 3.1875 acres has already been obtained on 08.11.2019, area measuring 0.3125 acres has been delicensed and the balance area measuring 11.5 acres has been migrated to new license no. 90 of 2024 dated 18.07.2024. Further, the AR of the promoter states that there is no sale, advertisement, marketing of the project on an area admeasuring 11.5 acres part of license no. 29 of 2009 from date of grant of license upto till date.

Further that the license no. 90 of 2024 dated 18.07.2024 has been obtained in the name of M/s Modgen Developers Pvt Ltd for development of mix land use colony over an area measuring 11.66875 acres (after migration of part area 11.5 acres from the existing license no. 29 of 2009 dated 24.06.2009 granted for total area 14.6875 acres (after delicense of area 0.3125 acres) and fresh applied land area measuring 0.16875 acres). After that the promoter obtained the Change of Developer in the name of M/s Riverday Infrastructure Pvt Ltd on 09.09.2024. Accordingly, the building plans of the project have been approved on 19.09.2024 along with approved phasing plan. The promoter is developing the project in five distinct phases and applied for registration of phase 1 herein.

The project is not an ongoing project and the promoter requests to consider the project as a new project for which there is no requirement of publication of any public notice and there is no applicability of late fee on the applicant promoter for application for registration of the project who has entered after obtaining change of developer permission from DTCP as the same lies with the erstwhile promoter of license no. 29 of 2009 dated 24.06.2009.

The applicant promoter has obtained Change of Developer approval for which they have executed the development agreement wherein revenue sharing model based on the performance of the developer promoter as per clause 3 (3.1 to 3.4) of development agreement along with Schedule-II has been entered.

The project site is already connected to SPR via fully functional 24 mt road which is licensed land and there is no requirement of road access permission as on date.

Further they have obtained the mining permission for the project which is being submitted today along with three DD amounting Rs 25 lakh each as a security amount on account of submission of approved service plans & estimates, approved fire scheme and approved environment clearance within 4 months of grant of registration.

Keeping in view the above submissions made by the promoter, the authority decides that;

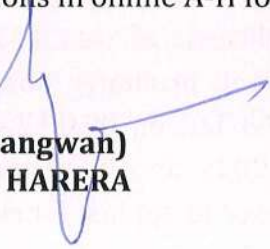
1. The applicant promoter shall submit the affidavit through its Directors regarding no advertisement, marketing, sale etc. in the project on area admeasuring 11.5 acres till date since grant of earlier license.
2. Regarding registration of earlier licensed area vide license no. 29 of 2009 dated 24.06.2009, a separate suo motu proceedings for violation of provisions of section 3 of the Act of 2016 be initiated against the erstwhile promoter. Further, the applicant promoter shall provide the details related to the earlier license and further changes in the earlier license if any.
3. The promoter shall publish the public notice inviting objections if any within 10 days regarding the project land and no sale, advertisement, marketing of the project on area admeasuring 11.5



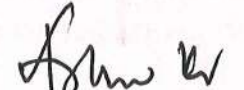
acres till date since grant of earlier license in three leading newspapers i.e., two English and One Hindi.

4. Regarding the revenue sharing model, the promoter/developer will follow the procedure laid down in terms of section 4(2)(I)(D) of the Act of 2016.
5. The promoter shall submit three DD/BGs amounting Rs 25 lakh each as a security amount on account of submission of approved service plans & estimates, approved fire scheme and approved environment clearance within 4 months of grant of registration

Hence the authority decides to grant registration to the project subject to above compliances. The registration certificate shall be issued subject to above compliances and other minor correction including corrections in online A-H form and DPI.


(Ashok Sangwan)
Member, HARERA


(Vijay Kumar Goyal)
Member, HARERA


(Arun Kumar)
Chairman, HARERA