

**Hearing brief for project registration u/s 4**

S.No	Particulars	Details	
1.	Name of the project	The Dahlias	
2.	Name of the promoter	M/s DLF Ltd.	
3.	Nature of the project	Group Housing Project	
4.	Location of the project	Sector-54, Gurugram	
5.	Legal capacity to act as a promoter	Not Clarified	
6.	Name of license holder	M/s Aravali Cultivation Ltd., M/s Vishram Agro Farms Ltd., M/s Pracheen Krishi Udyog Ltd. & others	
7.	Status of project	New	
8.	Whether registration applied for whole/phase	Whole	
9.	Completion date as mentioned in REP-II	31.12.2031.	
10.	Online application ID	RERA-GRG-PROJ-1690-2024	
11.	QPR Compliances	N/A	
12.	4(2)(I)(D) Compliances	N/A	
13.	4(2)(I)(C) Compliances	N/A	
14.	Status of change of bank account	N/A	
15.	Details of proceedings pending against the project	No	
16.	RC Conditions Compliances	N/A	
17.	License no.	131 of 1995 dated 29.12.1995. 129 of 1995 dated 29.12.1995. 2 of 2002 dated 25.01.2002. 4 of 2002 dated 25.01.2002. 6 of 2002 dated 25.01.2002. 38 of 1996 dated 16.01.1996. 52 of 1996 dated 16.01.1996. 53 of 1996 dated 16.01.1996. 57 of 1996 dated 16.01.1996.	28.12.2024 28.12.2024 24.01.2025 24.01.2025 24.01.2025 15.04.2029 15.04.2029 15.04.2029 15.04.2029



18.	Total licensed area	16.489 acres	Area to be registered	16.489 acres
19.	Statutory approvals either applied for or obtained prior to registration			
	S. No.	Particulars	Date of approval	Validity up to
	i)	License Approval	131 of 1995 dated 29.12.1995. 129 of 1995 dated 29.12.1995. 2 of 2002 dated 25.01.2002. 4 of 2002 dated 25.01.2002. 6 of 2002 dated 25.01.2002. 38 of 1996 dated 16.01.1996. 52 of 1996 dated 16.01.1996. 53 of 1996 dated 16.01.1996. 57 of 1996 dated 16.01.1996.	28.12.2024 28.12.2024 24.01.2025 24.01.2025 24.01.2025 15.04.2029 15.04.2029 15.04.2029 15.04.2029
	ii)	Zoning Plan Approval	DTCP 7600 dated 23.11.2020.	
	iii)	Building plan Approval	ZP-1558/JD(RA)/2022/32503 dated 27.10.2022	26.10.2027
		Revised building plan approval	ZP-1558/JD(RA)/2024/29637 dated 19.09.2024.	18.09.2029
	iv)	Environmental Clearance	EC24B3812HR5307923N dated 14.09.2024.	13.09.2034
	v)	Fire Scheme approval	Not Submitted.	
	vi)	Service plan and estimate approval	Not Submitted.	
20.	Fee details			
	Registration fee	401100.656 x 1.75 x 10 = Rs. 70,19,261/-.		
	Processing fee	401100.656 x 10 = Rs. 40,11,007/-		
	<i>Note regarding late fee - As per the opinion taken from Ld. AG, Haryana in respect of Group Housing Colony namely "GH 63" located at Sector-63, Gurugram. regarding the ongoing project and applicability of late fee wherein it is mentioned that it is not possible to say that as on 01.05.2017, promoter was in a position to start development of project because the building plans were not prepared. Equally speaking, even without requisite permissions as provided in section 4(2) of Act of 2016, the authority was not in a position to grant registration. So, the late fee is calculated from 27.10.2022 as first building plans were issued by DTCP vide memo no ZP-1558/JD(RA)/2022/32503 for 7.57 acres only.</i>			

	<b>Late fee @250% as per Regulation No 09/RERA GGM Regulations 2018 dated 05.12.2018</b> (Late fee has been levied from 27.10.2022 to 19.09.2024 i.e., 50% of registration fees per 6 months of delay as first building plans were passed by DTCP only on 27.10.2022)	$1,43,903.543 \times 1.75 \times 10$ $= \text{Rs. } 25,18,312/-$ $25,18,312 \times 2.5 = \text{Rs. } 62,95,780/-$
	<b>Total</b>	$= 70,19,261 + 40,11,007 + 62,95,780$ $= \text{Rs. } 1,73,26,048/-$
<b>21.</b>	<b>DD amount</b>	Rs. 1,17,64,500/-
	<b>DD no. and date</b>	523932 dated 30.07.2024
	<b>Name of the bank issuing</b>	ICICI Bank
	<b>Deficient amount</b>	$1,73,26,048 - 1,17,64,500$ $= \text{Rs. } 55,61,548/-$
<b>22.</b>	<b>File Status</b>	<b>Date</b>
	<b>File received on</b>	09.08.2024
	<b>First notice Sent on</b>	30.08.2024
	<b>Documents submitted on</b>	09.09.2024
	<b>First hearing on</b>	16.09.2024
	<b>Documents submitted on</b>	20.09.2024
	<b>Documents submitted on</b>	25.09.2024
<b>23.</b>	<p><b>Case History: -</b> The promoter M/s DLF Ltd. has applied for the registration of real estate project namely "The Dahlias" located at Sector-54, Gurugram under section 4 of the Real Estate (Regulations and Development) Act, 2016 vide central receipt no. 77099 dated 09.08.2024 and RPIN-780. The Temp I.D. of REP - I (Part A-H) is RERA -GRG-PROJ-1690-2024. The project area for registration is 16.489 acres. The application for registration was scrutinized and 1st deficiency notice was issued on 30.08.2024 to the promoter. The promoter has submitted the reply dated 11.09.2024 which is under scrutiny. An opportunity of being heard is scheduled on 16.09.2024. <b>Proceeding dated 16.09.2024.</b> Ms. Shashank Sharma, Associate Engineer Executive and Ms. Ashish Dubey, Chartered Accountant briefed about the facts of the project. Sh. Anish Dham (AR) and Sh. Alok Kumar (AR), Sh. Nimit Porwal (AR) are present on behalf of the promoter. The AR present on behalf of the promoter states that initially building plans were approved by DTCP vide memo no ZP-1558/JD(RA)/2022/32503 dated 27.10.2022 which is part of</p>	



	<p>Zone-10 as per the old, approved layout plan and no advertisement, marketing, booking, sale or offer for sale has been made in respect of the proposed project and the affidavit for the same has been submitted in the Authority.</p> <p>Further, phasing plan of the land admeasuring 542.8515 acres has been approved by the DTCP vide memo no ZP-1558/JD(RA)/2024/28702 dated 12.09.2024 and the project under the consideration of the Authority is marked as R16 in approved phasing plan. Also, the building plan approved earlier has been revised by DTCP and its final approval will be submitted to the Authority. The AR further clarifies that said revisions in building plans is prior to any kind of sale, booking, marketing, advertisement and hence no consent of allottees is required. Further, the EC for the said project has also been revised and approved vide memo no. SEAC/HR/2024/067 dated 14.09.2024.</p> <p>Keeping in view of the above, Authority directs the promoter to submit the revised approved building plans and rectify the other remaining deficiencies as mentioned above.</p> <p>The matter to come up on 30.09.2024.</p>	
<p>24. <b>Present compliance status as on 30.09.2024 of the deficiencies as observed during the last hearing dated 16.09.2024.</b></p>	<ol style="list-style-type: none"><li>1 Deficit fee (late fee) of Rs 55,61,548 /- needs to be submitted. Status - Not Submitted.</li><li>2 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 - Submitted but needs to be revised.</li><li>3 Corrections in online DPI need to be done. Status - Submitted but needs to be revised.</li><li>4 The project pertains to license nos. 131, 129 of 1995; 02, 04, 06 of 2002 and 38, 52, 53, 57 of 1996 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. <b>Status - The promoter stated that Licenses nos. 131, 129 of 1995; 02, 04, 06 of 2002 and 38, 52, 53, 57 of 1996 have been issued by Directorate, Town and Country Planning, Haryana ("DTCP") for the development of a colony admeasuring 476.6015 acre acres in Sectors 42, 43, 53 and 54, Gurugram ("Licensed Land") which is being developed in a phased manner and the proposed phase being 16.489 acres ("Project") for which RERA registration has been applied for.</b> <b>Promoter further stated that, on 27.10.2022, DTCP approved the building plans for an area measuring 7.57 acres only vide Memo No. ZP-1558/JD(RA)/2022/32503 and in this regard, they</b></li></ol>	



		<p>have submitted an undertaking stating that the company hereby declares and affirms that no advertisement, marketing, booking, sale, or offer for sale has been made, nor have any third party rights being created in respect of the proposed area till date.</p> <p>5 The various licenses pertaining to the project land are granted by the DTCP in favour of M/s Aravali Cultivation Ltd., M/s Vishram Agro Farms Ltd., M/s Pracheen Krishi Udyog Ltd., M/s Madhur Cultivations Ltd., M/s DLF Universal Ltd., M/s Sunrise Land &amp; Housing Co. Ltd., M/s Moonlight Builders &amp; Promoters Ltd. and M/s Vikalpa Agro Industries Ltd. However, the renewal of all these licenses is issued in favour of DLF Ltd. and DLF Utilities Ltd. Further, the application for registration of the project u/s 4 of the Act of 2016 is submitted to the Authority by DLF Ltd. This needs to be clarified.</p> <p><b>Status - Promoter stated that licensee companies (Vipul Vaibhav Agro Developers Ltd. , Satyaveer Estate Pvt. Ltd. Manavsthali Estate Pvt.Ltd. , Hansalaya Builders Developers Ltd., Madhur Cultivations Ltd. , Kum Kum Cultivations Ltd., Dream Land Agro Industries Ltd. , Prashant KrishiUdyog Pvt. Ltd. , Oscar Farming Co. Pvt. Ltd. , Swastha Builders Pvt.Ltd , Suvidha Agro Products , Vidhur Cultivations Ltd. , Aravali Cultivations Ltd. , Vishram Agro Farms Ltd., Vaishali Cultivations Pvt. Ltd. , Renkon Estates &amp; Farms Ltd. , Queensdale Cultivations Pvt. Ltd. , Manak Estate Pvt. Ltd. , Pracheen KrishiUdyog Pvt. Ltd. , Menaka Agro Farming Co Pvt. Ltd. , Vikalpa Agro Industries Pvt. Ltd. , Nav Sansar Agro Industries Pvt. Ltd., Surbhi Farming Co Pvt. Ltd. , Sunrise Land &amp; Housing Co Ltd., Moonlight Builders &amp; Developers Ltd. ) merged into M/s Nilgiri Cultivations pvt. Ltd. on 17.11.2000 and after that it is known as DLF Utilities Ltd. (by certificate for change of name on 23.10.2008) Finally, the real estate business of DLF Utilities Ltd. got demerged and merged into DLF Ltd. vide order dated 23.02.2022 in CP(CAA) No 14/Chd/Hry/2020 passed by NCLT.</b></p> <p>Further, DTCP has issued the BR-III in the name of M/s DLF Ltd. vide memo no ZP-1558/JD(RA)/2024/29637 dated 19.09.2024.</p> <p>6 The building plan approval letter (BR III) is provided by the promoter; however, a complete set of approved building plans need to be provided so that the fee may be</p>
--	--	--



- calculated, and other details provided by the promoter in application form REP-I and DPI may be verified. The promoter shall be liable to pay deficit fee/ late fee, if any. Status - Submitted the revised building plan (BR-III) in the name of M/s DLF Ltd. vide memo no ZP-1558/JD(RA)/2024/29637 dated 19.09.2024.
- 7 Environmental clearance is submitted for 7.574 acres. Environmental clearance for entire project area applied for registration (16.4890 Acres) needs to be submitted. Status - Submitted.
  - 8 Fire scheme approval needs to be submitted. Status - Not Submitted and applied on 23.09.2024. Further, the promoter has submitted the Bank Guarantee having no 0007NDLG00061125 dated 18.09.2024 valid up to 17.12.2024 of ICICI bank.
  - 9 Approved service plans and estimates need to be submitted. Status - Not Submitted and applied on 24.09.2024. Further, the promoter has submitted the Bank Guarantee having no 0007NDLG00063825 dated 18.09.2024 valid up to 17.12.2024 of ICICI bank.
  - 10 Demarcation plan needs to be submitted. Status - Submitted.
  - 11 Airport height clearance needs to be submitted. Status - Submitted.
  - 12 Forest NOC needs to be submitted. Status - Submitted.
  - 13 Draft application form, allotment letter, builder buyer agreement, conveyance deed and payment receipt need to be submitted. Status - Submitted but need to be revised along with payment plan.
  - 14 Draft advertisement document needs to be submitted. Status - Not Submitted and promoter stated that at present they are not planning to issue/release any advertisements in the general public pertaining to the proposed project. However, they assure/undertake that they will submit the same in the Authority when they will issue/release any advertisement.
  - 15 REP II needs to be revised as Occupancy Date is missing. Status - Submitted.
  - 16 Cost of land needs to be clarified according to the area applied for the registration. Status - Clarified.
  - 17 Project Report needs to be revised. Status - Submitted.



**HARERA**

**GURUGRAM**

The Dahlias

M/s DLF Ltd.

		<p>18 Challan Copy of paid IDC, EDC needs to be submitted. Status - Submitted.</p> <p>19 Original Bank Undertaking needs to be submitted. Status - Submitted.</p> <p>20 Affidavit of promoter regarding arrangement with the bank of master account under section 4(2)(I)(D) needs to be submitted. Status - Submitted.</p> <p>21 DPI needs to be revised for the financial resources. Status - Submitted.</p> <p>22 CA Certificate for expenditure incurred and to be incurred needs to be submitted. Status - Submitted.</p> <p>23 CA certificate for details in REP-1, CA Certificate for non-default in repayment of debt and statutory liabilities and CA Certificate for Net Worth needs to be submitted. Status - Submitted.</p> <p>24 Statement of quarterly expenditure, statement of quarterly source of funds and Quarterly Net Cash Flow statement needs to be submitted. Status - Submitted.</p> <p>25 Complete GST Certificate needs to be submitted and project proponent needs to be revised. Status - Submitted.</p>
	<p><b>Remarks</b></p>	<ol style="list-style-type: none"><li>1. Deficit fee of Rs 55,61,548 /- needs to be submitted.</li><li>2. 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.</li><li>3. Corrections in online DPI need to be done.</li><li>4. The project pertains to license nos. 131, 129 of 1995; 02, 04, 06 of 2002 and 38, 52, 53, 57 of 1996 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.</li><li>5. The various licenses pertaining to the project land are granted by the DTCP in favour of M/s Aravali Cultivation Ltd., M/s Vishram Agro Farms Ltd., M/s Pracheen Krishi Udyog Ltd., M/s Madhur Cultivations Ltd., M/s DLF Universal Ltd., M/s Sunrise Land &amp; Housing Co. Ltd., M/s Moonlight Builders &amp; Promoters Ltd. and M/s Vikalpa Agro Industries Ltd. However, the renewal of all these licenses is issued in favour of DLF Ltd. and DLF Utilities Ltd. Further, the application for registration of the project</li></ol>

**Email :** hareragurugram@gmail.com, reragurugram@gmail.com, **Website :** www.harera.in  
An Authority constituted under section 20 the Real Estate (Regulation and Development) Act, 2016

Act No. 16 of 2016 Passed by the Parliament

भू-संपदा (विनियमन और विकास) अधिनियम 2016 की धारा 20 के अर्तगत गठित प्राधिकरण

भारत की संसद द्वारा पारित 2016 का अधिनियम संख्यांक 16



5  
**HARERA**


**GURUGRAM**

The Dahlias  
M/s DLF Ltd.

		<p>u/s 4 of the Act of 2016 is submitted to the Authority by DLF Ltd. This needs to be clarified.</p> <ol style="list-style-type: none"><li>6. Revised building plans has been submitted by the promoter. Same need to be clarified.</li><li>7. Fire scheme approval needs to be submitted.</li><li>8. Approved service plans and estimates need to be submitted.</li><li>9. Draft builder buyer agreement, conveyance deed need to be submitted.</li></ol>
--	--	---

**Recommendation** - All the required documents for registration under section 4 of the Act, 2016 have been submitted except approved fire scheme , approved service plans and estimates and draft allottees documents .The promoter has submitted two Bank Guarantee's amounting to Rs. 25 Lakhs each vide BG no 0007NDLG00061125 and 0007NDLG00063825 dated 18.09.2024 valid up to 17.12.2024 of ICICI bank towards approval of Fire Fighting Scheme and approved Service Plan & Estimates with a validity of three months. The Authority may consider for grant of registration upon submission of approved firefighting scheme and approved Service Plan & Estimates within 3 months from the date of grant of registration certificate and submission of late fee or BG/Affidavit towards payment of late fee.

(Ashish Dubey)  
Chartered Accountant

  
(Shashank Sharma)  
Associate Engineer Executive

<b>Day and Date of hearing</b>	Monday and 30.09.2024
<b>Proceeding recorded by</b>	Ram Niwas

**PROCEEDINGS OF THE DAY**

Mr. Shashank Sharma, Associate Engineer Executive and Mr. Ashish Dubey briefed about the facts of the project.

Ms. Anjana Bali (AR), Sh. Anish Dham (AR) and Sh. Alok Kumar (AR) and Sh. Nimit Porwal (AR) are present on behalf of the promoter.

The AR present on behalf of the promoter stated that the licenses on which promoter has applied for registration u/s 4 of the Act of 2016 are before the enactment of the Act of 2016, i.e., 01.05.2017. However, phasing plan of the above licensed land admeasuring 542.8515 acres has been approved by the DTCP vide memo no ZP-1558/JD(RA)/2024/28702 dated 12.09.2024 and the project under the consideration of the Authority is earmarked as phase "R16" in approved phasing plan and hence each phase is to be considered as a standalone project in terms of section 3(explanation) and 4(c) of the Act of 2016. Further, no development has been undertaken in respect of phase of project under consideration and first building plans was approved by the DTCP only on 27.10.2022 for 7.57 acres on "Zone 10" vide memo no ZP-1558/JD(RA)/2022/32503 and EC for the said parcel of the land was approved only on 17.08.2022.

Also, the building plan approved earlier has now been revised by DTCP in the name of M/s DLF Ltd. vide memo no ZP-1558/JD(RA)/2024/29637 dated 19.09.2024 and the various licenses issued in the name of their subsidiary companies merged into M/s Nilgiri Cultivations Pvt. Ltd. on 17.11.2000 and after that it is known as DLF Utilities Ltd. (by certificate for change of name on 23.10.2008). Finally, the real estate business of DLF Utilities Ltd. got demerged and merged into DLF Ltd. vide



order dated 23.02.2022 in CP(CAA) No 14/Chd/Hry/2020 passed by NCLT and also the revised BR-III has been issued by DTCP in the name of DLF Limited only.

The AR further clarifies that said revisions in building plans is prior to any kind of sale, booking, marketing, advertisement and affidavit to the same has been submitted in the DTCP also and as per the latest policy/order issued by the Town & Country Planning Department on 16.09.2024, it has been clarified that wherein no third-party rights have been created and undertaking to this effect has been submitted, no public notice for inviting objections is required to be issued. Accordingly, revised BR-III has been issued by DTCP without inviting any objections or public notice.

So, the project under the consideration of Authority is not categorized as "Ongoing Project" and the late fee calculated by the Authority is not applicable on them, as the project could not have been applied for registration u/s 4 of the Act of 2016 till various approvals are in place while no such approvals were obtained before the commencement of the Act, 2016. However, the Interim RERA had issued the clarification letter to NAREDCO, Haryana vide memo no HRERA/RD/2017/35/1049 dated 15.09.2017 which clarifies that licensed (unlaunched) projects can be registered at any time before the promoter intends to advertise, market, or sell the property.

Furthermore, the AR informed that few of the clauses apart from the approved model BBA have to be added for enhanced transparency and better understanding of the project to the proposed allottee.

The Authority observes that besides above directions issued by Interim RERA to NAREDCO, the opinion from Ld. AG, Haryana has been taken by the Authority in respect of Group Housing Colony namely "GH 63" located at Sector-63, Gurugram. regarding the ongoing project and applicability of late fee wherein the following has been opined: -

*"In the opinion of undersigned, the objection raised by the authority is not sustainable in view of the legal position summarized in para 25 because it is not possible to say that as on 01.05.2017, promoter was in a position to start development of project because the building plans were not prepared what to talk of sanctioned. Equally speaking, even without requisite permissions as provided in section 4(2) of Act of 2016, the authority was not in a position to grant registration. There arises no occasion to ask for late fees for late registration of the project because as on 01.05.2017, the project of promoter/applicant could not have been categorized as "ongoing" because with only license for developing group housing colony without even a building plan, the applicant could not have start developing the proposed real estate project."*

Therefore, as per above clear opinion of AG, Haryana, the project cannot be categorized as "Ongoing" till approval of first building plans on 27.10.2022 but becomes registrable w.e.f said above. But in view of above directions of Interim RERA to NAREDCO dated 15.09.2017 as well as the fact that no timeline has been specified for making application for registration of project Post RERA cases, a further advice from Government/AG, Haryana is required to adopt a uniform practice.

STP, HARERA and Secretary HARERA, to put up the requisite proposal and reference to Government in 10 days and to keep follow up till above clarification and realization of amount, if so advised or decided by Government and an affidavit to this effect shall be taken.



**HARERA**  
**GURUGRAM**

The Dahlias  
M/s DLF Ltd.

The promoter is further directed to submit the model BBA in the Authority along with the conveyance deed and further the proposed additional clauses in the model BBA shall be examined separately on file.

The promoter is further directed to submit the approved fire scheme and approved service plans and estimates within 3 months from the date of registration and BG's of Rs. 25 Lakhs each in lieu of same has been submitted in the Authority.

Therefore, as proposed above the registration shall be issued subject to the correction in form A-H and DPI and DD/BG/Affidavit for payment of late fee as per the decision taken by the Government. Further, the amount of late fee is subject to audit and reconciliation as well as conformation/clarification of Govt.

*On Leave*  
**(Ashok Sangwan)**  
Member, HARERA

*V. I. - 3*  
**(Vijay Kumar Goyal)**  
Member, HARERA

*Arun K.*  
**(Arun Kumar)**  
Chairman, HARERA