

PROJECT	SANCTUARY 105 PHASE- 2
PROMOTER	1000 TREES HOUSING PVT. LTD.

PROJECT HEARING BRIEF UNDER SECTION 4 OF THE ACT OF 2016			
S.No	Particulars	Details	
1.	Name of the project	Sanctuary 105 Phase- 2	
2.	Name of the promoter	M/s 1000 Trees Housing Pvt. Ltd.	
3.	Nature of the project	Group Housing	
4.	Location of the project	Sector - 105, Gurugram.	
5.	Legal capacity to act as a promoter	Collaborator	
6.	Status of project	On-going	
7.	Whether registration applied for whole/Phase	Phase	
8.	Phase no. (If applicable)	2	
9.	Online application ID	RERA-GRG-1778-2024	
10.	License no.	127 of 2012 dated 27.12.2012	
11.	Total licensed area	13.078 Acres	Area to be registered 4.894 Acres
12.	Project completion date as declared u/s 4(2)(I)(C)	31.12.2031	
13.	QPR Compliance (If applicable)	For RC no. 89 of 2024 dated 28.08.2024 granted for Phase 1: Submitted	
14.	4(2)(I)(c) Compliance (If applicable)	N/A	
15.	4(2)(I)(D) Compliance (If applicable)	N/A	
16.	Status of change of bank account	N/A	
17.	RC compliance	Fire Scheme within three months: Submitted with delay of 36 days. Service plans and estimates within three months: Submitted within time	
18.	Number of Towers	Residential- 4 + community block & swimming pool	
19.	Number of units	262 dwelling units	
20.	Total Project cost	Rs. 637.88 crores	
21.	Project Expenditure So far	44.06 crores	

22.	Estimates expenditure for completion so far		593.81 crores	
23.	Statutory approvals either applied for or obtained prior to registration			
	S.N	Particulars	Date of approval	Valid up to
	1.	License Approval	127 of 2012 dated 27.12.2012	26.12.2027
	2.	Revised Zoning Plan Approval	24.11.2024	
	3.	Revised Building plan approval	ZP-863/AD(VK)/2032/15187 dated 22.05.2024	21.05.2029
	4.	Revised Environmental Clearance	Not submitted	
	5.	Airport Height Clearance	PALM/NORTH/B/053022/674879 dated 13.06.2022	12.06.2030
	6.	Electrical load	Ch-14/Drg.-PLC dated 05.06.2024	
	7.	Fire scheme approval	FS/2025/5 dated 03.01.2025	
	8.	Service plan and estimate approval	LC-2648 Vol-IV/JE(AK)-2024/35764 dated 21.11.2024	
16.	Fee Details			
	A) Registration fee for	(40566.53 x 10 x 2.3) = Rs. 9,33,030/-		
	B) Processing Fee	40566.53 x 10 = Rs. 4,05,665/-		
	C) Late Fee	N/A (As per the direction of the Authority, late fee based on building plan approved on 15.07.2013 was charged at the time of registration of phase 1 of the project)		
	Total Fee (A+B+C)	Rs. 13,38,695/-		
17.	DD Details			
	DD No. and Date	587794 dated 25.10.2024 587793 dated 25.10.2024 588163 dated 18.12.2024		
	Fees Paid	Rs. 4,07,665/- Rs. 8,39,791/- Rs. 91,239/-		
	Deficit fee	Nil		
18.	File Status	Date		
	File received on	06.11.2024		
	1 st hearing on	02.12.2024		

PROJECT	SANCTUARY 105 PHASE- 2
PROMOTER	1000 TREES HOUSING PVT. LTD.

First notice Sent on	16.12.2024
2 nd hearing on	16.12.2024
3 rd hearing on	30.12.2024
4 th hearing on	08.01.2025
5 th hearing on	20.01.2025
6 th hearing on	05.02.2025
7 th hearing on	24.02.2025

19. Case History: -

The promoter M/s 1000 Trees Housing Pvt. Ltd. has applied on dated 06.11.2024 for registration of the group housing project namely "Sanctuary 105 Phase - 2" located at Sector 105, Gurugram under section 4 of Real Estate (Regulation and Development), Act 2016. This application relates to license no. 127 of 2012 issued by the DTCP in favour of Sh. Kanwar Singh and others in collaboration with M/s 1000 Trees Housing Pvt. Ltd. to set up a group housing colony over an area measuring 13.078 acres in sector- 105, Gurugram. The entire project comprises 5 phases as per the phasing plan dated 12.07.2024:

Phase wise details			
Phase No.	Area in acres	Comprises of	Status
Phase- 1	4.336 acres	Towers 1,2,3,4,9,10 & 11	Registered vide RC no. 89 of 2024
Phase- 2	4.894 acres	Towers 5,6,7,8, community block & swimming pool	Applied for registration
Phase- 3	2.762 acres	Commercial building	Unregistered
Phase- 4	0.523 acres	Row house 1 to 6	Unregistered
Phase- 5	0.563 acres	EWS & Nursery School	Unregistered
TOTAL	13.078 acres		

The promoter has applied for the registration of Phase 2 measuring 4.894 acres of the total 5 phases of the project comprising of an area of 13.078 acres approved by DTCP vide memo dated 12.07.2024.

The file was scrutinized, and deficiencies were conveyed to the promoter vide notice dated 16.12.2024 and date of hearing was fixed for 30.12.2024.

Proceeding dated 30.12.2024

Ar. Neeraj Gautam, Associate Architectural Executive and Ms. Asha, Chartered Accountant briefed about the facts of the project.

Sh. Yogesh Kumar Sharma (AGM) and Sh. Narendra Kumar (Manager) are present on behalf of the promoter and state that phase 1 of the project has already been registered by the



PROJECT	SANCTUARY 105 PHASE -2
PROMOTER	1000 TREES HOUSING PVT. LTD.

Authority vide registration no. 89 of 2024 dated 28.08.2024 and now application is for the registration of phase 2 of the project duly approved by DTCP vide memo no. ZP-863-VOL-II/AD(VK)/2024/21154 dated 12.07.2024. The consents of 2/3rd of the allottees along with the issuance of public notice has already been submitted at the time of registration of phase 1 of the project and no change has been made thereafter.

Later on, one of the landowners accompanied by his counsel appeared and submitted his representation requesting to direct the promoter for earmarking the allocation of units as per collaboration agreement before registration. Although, Authority observes that the colony has been granted license by DTCP on the basis of collaboration agreement duly registered and is irrevocable, and the share of individual landowners is to be allocated accordingly. However, to clarify the same, a copy of representation be forwarded through email to the applicant promoter for his comments and clarifying the allocation of units along with other deficiencies before the next date of hearing.
The matter to come up on 08.01.2025 at 03:00 PM.

Accordingly, the copy of representation was forwarded to the promoter through email for submission of clarification.

The promoter has submitted a reply with respect to the representation submitted by the Landowner wherein it is stated that the illegal attempt at termination of collaboration agreement, that forms the basis of Application made by Mr. Nitin Kataria, was a subject matter of challenge before Hon'ble High Court of Delhi. The promoter had filed a petition under section 9 of the Arbitration and Conciliation Act, 1996.

A copy of order dated 03.01.2025 disposing of the petition is submitted by the promoter wherein it is stated that the parties have agreed to appoint HMJ (ret'd.) Rajiv Shankar Shakdher, former Judge of this court as the sole arbitrator in this matter. The counsel of respondent (Sh. Nitin & Anr.) states that they shall not be taking any precipitative action till either the matter is resolved in mediation or till the application filed by petitioner, if any, is disposed of by the arbitrator.

It is directed by the Hon'ble High Court of Delhi that in the meantime, the petitioner shall make a disclosure of all the units that they are disposing of, in terms of an affidavit, which shall be placed before the arbitrator.

Proceeding dated 08.01.2025

Ar. Neeraj Gautam, Associate Architectural Executive and Ms. Asha, Chartered Accountant briefed about the facts of the project.

Sh. Rajeev Gupta (Sr. VP), Sh. Ankit Goenka (GM), Sh. Deeptanshu Jain (Advocate) Sh. Manender Kumar (Manager) are present on behalf of the promoter.

The applicant promoter along with one of the landowner/collaborator appeared in the hearing and stated that in pursuance of the directions passed by the Hon'ble Delhi High Court in the issue pertaining to the allotment of units is to be resolved within two weeks and the land owner has been restrained from taking any precipitative action. One meeting

has already been held and the matter is to be resolved by 17.01.2025. Accordingly, in view of the same the matter is adjourned to 20.01.2025.

Proceeding dated 20.01.2025

Ar. Neeraj Gautam, Associate Architectural Executive and Ms. Asha, Chartered Accountant briefed about the facts of the project.

Sh. Rajeev Gupta (Sr. VP) is present on behalf of the promoter.

The applicant promoter along with one of the landowner/ collaborators appeared before the Authority and states that they are in the process of amicably resolving the dispute regarding the collaboration agreement. The AR of the applicant promoter requests two weeks' time to resolve the dispute and rectify the other deficiencies.

Keeping in view the above, the matter is fixed for next date of hearing on 05.02.2025 at 3:00 PM.

Proceeding dated 05.02.2025

Ar. Neeraj Gautam, Associate Architectural Executive and Ms. Asha, Chartered Accountant briefed about the facts of the project.

Sh. Rajeev Gupta (Sr. VP), Sh. Kartik Sarsoonnia (Advocate), Sh. Ankit Goenka (GM) and Sh. Mahender Kumar (Manager) are present on behalf of the promoter along with one of the landowners and request two weeks' time to resolve the dispute regarding the collaboration agreement and rectify other deficiencies.

The matter to come upon 24.02.2025.

The replies dated 27.11.2024, 24.12.2024, 03.01.2025 and 07.01.2025 submitted by the promoter have been scrutinized and the status of remaining deficiencies is mentioned below:

20.	Present compliance status as on 24.02.2025 of deficient documents as observed on 05.02.2025	<ol style="list-style-type: none"> Corrections need to be made in REP-I form. Documents to be annexed along with the application need to be provided in PDF format less than 5 mb. Status: Submitted Corrections in the online DPI need to be made. Status: Corrected copy needs to be submitted. Deficit fee of Rs. 91,239/- needs to be paid Status: Paid vide DD no. 588163 dated 18.12.2024 Latest land title search report based on the latest jamabandi after incorporating bar enrolment number needs to be revised. Status: Submitted Revised environmental clearance needs to be submitted.
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PROJECT	SANCTUARY 105 PHASE -2
PROMOTER	1000 TREES HOUSING PVT. LTD.

	<p>Status: The promoter submits that the existing EC is still valid, and the built-up area (Phase 1 and Phase 2) does not exceed the area as approved in the earlier EC. Further, the promoter undertakes to submit the revised EC within 6 months' time.</p> <p>6. Approved fire scheme needs to be submitted. Status: Submitted</p> <p>7. Approved service plans and estimates need to be submitted. Status: Submitted</p> <p>8. Tree cutting permission needs to be submitted. Status: The promoter submitted an undertaking stating that no tree cutting/felling is required in phase 2 of the project. The application seeking permission for tree cutting has been filed for remaining phases.</p> <p>9. Mining permission needs to be submitted. Status: The promoter submits the copy of undertaking dated 29.10.2024 stating that the mining permission shall be obtained before commencement of excavation of site and within 7 days of its receipt, a copy of the same shall be submitted to HARERA.</p> <p>10. REP II needs to be revised as OC & CC date is not given. Status: Submitted</p> <p>11. Project report needs to be revised Status: Submitted.</p> <p>12. PERT chart needs to be submitted. Status: Submitted.</p> <p>13. The layout plan superimposed on Khasra no. needs to be submitted. Status: Submitted</p> <p>14. Allottee related documents like application form, allotment letter, builder buyer agreement, conveyance deed and payment receipt need to be submitted. Status: Submitted</p> <p>15. Draft brochure and advertising material need to be submitted. Status: Submitted.</p> <p>16. Land cost needs to be clarified according to area applied for registration Status: Submitted.</p>
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		<p>17. CHG form needs to be submitted Status: Submitted.</p> <p>18. CA certificate for non-default in payment of debt obligations needs to be submitted. Status: Revised CA certificate not submitted.</p> <p>19. Cash flow statement needs to be submitted. Status: Submitted.</p> <p>20. CA Certificate for net worth needs to be submitted. Status: Submitted.</p> <p>21. Quarterly statement of expenditure and sources need to be submitted. Status: Submitted.</p> <p>22. NOC from lender needs to be provided. Status: Submitted</p> <p>23. Board resolution for the operation of bank accounts need to be submitted Status: Submitted</p> <p>24. KYC of authorized person for operation of bank accounts need to be submitted. Status: Submitted.</p>
21.	Remarks	<p>1. Corrections need to be made in REP-I form. Documents to be annexed along with the application need to be provided in PDF format less than 5 mb. Status: Corrected copy needs to be submitted.</p> <p>2. Corrections in the online DPI need to be made. Status: Corrected copy needs to be submitted.</p> <p>3. Revised environmental clearance needs to be submitted. Status: The promoter submits that the existing EC is still valid, and the built- up area (Phase 1 and Phase 2) does not exceed the area as approved in the earlier EC. Further, the promoter undertakes to submit the revised EC within 6 months' time.</p> <p>4. Mining permission needs to be submitted. Status: The promoter submits the copy of undertaking dated 29.10.2024 stating that the mining permission shall be obtained before commencement of excavation of site and within 7 days of its receipt, a copy of the same shall be submitted to the HARERA.</p>

PROJECT	SANCTUARY 105 PHASE -2
PROMOTER	1000 TREES HOUSING PVT. LTD.

	5. CA certificate for non-default in payment of debt obligations needs to be submitted. Status: Revised CA certificate not submitted
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Recommendation: The application for registration of project u/s 4 of the Act of 2016 submitted by the promoter is examined and found to be in order except the corrections in for REP-I and DPI, revised EC, mining permission and CA certificate of non-default. Further, Authority has received a representation from one of the landowners, Sh. Nitin Kataria regarding dispute with the applicant promoter w.r.t the collaboration agreement.

It is recommended that the Authority may consider for grant of registration subject to the resolution of pending dispute with the landowner, submission of corrected copies in form REP-I, DPI and CA certificate for non-default before issuance of registration certificate, submission of EC within 4 months and mining permission before the commencement of construction.

Asha
(Asha)

Chartered Accountant

Neeraj

(Neeraj Gautam)

Associate Architectural Executive

Day and Date of hearing

Monday and 24.02.2025

Proceeding recorded by

Ram Niwas

PROCEEDINGS OF THE DAY

Ar. Neeraj Gautam, Associate Architectural Executive and Ms. Asha, Chartered Accountant briefed about the facts of the project.

Sh. Rajeev Gupta (Sr. VP) and Sh. Ankit Goenka (GM) are present on behalf of the promoter along with one of the landowners of the project accompanied by his counsel. The counsel of the landowner had submitted a representation in the Authority regarding dispute between the landowner and the applicant promoter regarding delay in completion of project and allocation of units as per collaboration agreement of the project. Although, Authority observes that the colony has been granted license by DTCP on the basis of collaboration agreement which is duly registered and irrevocable.

The AR of the promoter states that phase 1 of the project has already been registered by the Authority vide registration no. 89 of 2024 dated 28.08.2024 and the current application is for the registration of phase 2 of the project duly approved by DTCP vide memo no. ZP-863-VOL-II/AD(VK)/2024/21154 dated 12.07.2024. The consent of 2/3rd of the allottees along with the issuance of public notice has already been submitted at the time of registration of phase 1 of the project and no change has been made thereafter. Further, the case for grant of environmental clearance for revision and expansion is recommended from SEAC to SEIAA in its 309th meeting dated 09.01.2025. The AR of the promoter further states that the collaboration agreement based on which the license has been granted is irrevocable in nature and the both the parties are in the process of resolving the dispute. The AR requests the Authority to grant the registration and assures that they will abide by the order of arbitration regarding allocation of units to the landowner as per above collaboration agreement.

The Authority observes that the landowner, namely Sh. Nitin Kataria who has submitted a representation objecting to the registration of the phase 2 of the project and applicant promoter,

PROJECT	SANCTUARY 105 PHASE- 2
PROMOTER	1000 TREES HOUSING PVT. LTD.

have already engaged in arbitration proceedings before the arbitrator appointed by the Hon'ble Delhi High Court. The relevant portion of the order dated 03.01.2025 passed by the Hon'ble High Court of Delhi is reproduced as below:

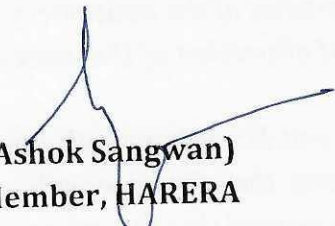
3. *The cause of action arises from a legal notice dated 14th November 2024 issued by the respondents terminating the said agreement of facts and circumstances as stated in the said legal notice, essentially that the petitioners were not complying with the obligations in the agreement in facts and circumstances stated in the said notice.*
4. *Response to the same was addressed on 26th November 2024, by the petitioner, which was duly received by respondents. Aside from specifically responding to the allegation in the legal notice, it was mentioned that to mitigate the situation and in the interest of all stakeholders, without prejudice to the rights and remedies of the petitioners, the petitioners were ready to have a dialogue on the aspect of allocation of the units and put the entire controversy to rest.*
5. *Mr. Jayant Mehta, Senior Counsel appears for petitioner and Mr. Jatan Singh, Senior Counsel appears for respondents. They state on instructions, that they are willing to refer the matter to arbitration before a sole arbitrator. It is agreed that the arbitration be conducted under the aegis of the Delhi International Arbitration Centre (DIAC).*
6. *The parties have agreed to appoint HMJ (Retd.) Rajiv Shankar Shakhedher, former Judge of this court as the sole arbitrator in this matter. The arbitration will be conducted in accordance with the rules of DIAC, including the remuneration, which is payable to the arbitrator.*
7. *Counsels for the parties state that prior to commencing of arbitration proceedings, they will make attempts to resolve the matter through mediation within a period of two weeks, failing which the process of arbitration shall commence.*
8. *Any urgent interim relief, if necessitated, by either party, may be taken up under the provisions of Section 17 of the Act, before the arbitrator.*
9. *Mr. Jayant Mehta, Senior Counsel for petitioner states the RERA registration had been obtained on 28th August, 2024, listing the respondents as part of the promoters/ license holders. Mr. Jatan Singh, Senior Counsel for respondents, however, refutes the same based on interpretation of the RERA conditions.*
10. *Mr. Jatan Singh, Senior Counsel for respondents, on instructions states that they shall not be taking any precipitative action till either the matter is resolved in mediation or till application filed by petitioner, if any, is disposed of by the arbitrator.*
11. *In the meantime, the petitioner shall make a disclosure of all the units that they are disposing of, in terms of an affidavit, which shall be placed before the arbitrator."*


The Authority is of the view that it cannot indefinitely delay the registration of the project simply on account of the dispute inter se the landowner and the applicant promoter who has the requisite approvals from the competent authorities for the registration of the project. In view of the above, the Authority approves the registration of the project subject to the decision regarding dispute


PROJECT	SANCTUARY 105 PHASE -2
PROMOTER	1000 TREES HOUSING PVT. LTD.

between the landowner Sh. Nitin Kataria and the applicant promoter M/s 1000 Trees Housing Pvt. Ltd. Further, the promoter is directed to disclose the details of pending litigation in form REP-I as well as in brochure and advertisement material of the project. The same shall also be reflected in the registration certificate of the project. The promoter shall disclose the final outcome of the arbitration proceedings within a period of 15 days of the decision in this regard. The promoter shall submit the revised EC within 4 months from the date of grant of registration certificate.

The certificate shall be issued after the rectifications in DPI and form REP-I and other deficiencies pointed above.


(Ashok Sangwan)
Member, HARERA


(Arun Kumar)
Chairman, HARERA


(Vijay Kumar Goyal)
Member, HARERA