

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

PROJECT	SKYVUE
PROMOTER	M/S LANDMARK APARTMNETS PVT. LTD.

PROJECT HEARING BRIEF UNDER SECTION 4 OF THE ACT OF 2016

S.No	Particulars	Details		
1.	Name of the project	Skyvue		
2.	Name of the license holders	Roashn Lal S/o Bhim Singh, Ajabir, Sombir Ss/o Roshan Lal and others		
3.	Name of the promoter (BIP)	M/s Landmark Apartments Pvt. Ltd.		
4.	Nature of the phase	Group Housing		
5.	Location of the project	Sector 103, Gurugram		
6.	Legal capacity to act as a promoter	Collaborator		
7.	Status of project	On- going		
8.	Whether registration applied for whole/Phase	Phase		
9.	Phase no. (If applicable)	2		
10.	Online application ID	RERA-GRG-1873-2025		
11.	License no.	33 of 2011 dated 16.04.2011		Valid up to 15.04.2026
12.	Total licensed area	10.868 Acres	Area to be registered	3.907 Acres
13.	Project completion date as declared u/s 4(2)(I)(C)	31.03.2031		
14.	QPR Compliance (If applicable)	N/A		
15.	4(2)(I)(c) Compliance (If applicable)	N/A		
16.	4(2)(I)(D) Compliance (If applicable)	N/A		
17.	Status of change of bank account	N/A		
18.	RC compliance	N/A		
19.	Number of Towers	2 Residential towers + Commercial		
20.	Number of units	240 dwelling units		
21.	Total Project cost	Rs 664.22 cr		
22.	Project Expenditure So far	Rs 80.76 cr		
23.	Estimates expenditure for completion so far	Rs 583.46 cr		
24.	Statutory approvals either applied for or obtained prior to registration			
	S.N	Particulars	Date of approval	Validity up to



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	1.	License Approval	33 of 2011 dated 16.04.2011	15.04.2026
	2.	Zoning Plan Approval	DGTCP 2537 dated 31.05.2011	
	3.	Phasing plan	ZP-721-AD(VK)/2024/7818 dated 04.03.2024	
	4.	Revised Building plan approval	ZP-721-II/SD(RD)/2025/4206 dated 31.01.2025	30.01.2030
	5.	Environmental Clearance	Not submitted	
	6.	Airport Height Clearance	PALM/NORTH/B/102224/1299206 dated 05.11.2024	04.11.2032
	7.	Electrical load	Ch-206/SE/R-APDRP/ONLC-HT/GGM-I/SOL-578 dated 07.08.2019	
	8.	Fire scheme approval	Not submitted	
	9.	Service plan and estimate approval	LC-2414/Asstt (AK)/2019/19890 dated 19.08.2019	
	10.	Revised service plan and estimate approval	Not submitted	
16.	Fee Details			
	A) Registration fee for	(53418.27 x 1.75 x 10) + (218.2 x 1.75 x 20) = Rs. 9,34,820/-		
	B) Late Fee	Can not be determined		
	C) Processing Fee	53636.47 x 10 = Rs. 5,36,365/-		
	D) Processing fee forfeited in application 1795-2024	53636.47 x 10 = Rs. 5,36,365/-		
	Total Fee (A+B+C+D)	Rs. 20,15,187/- + late fee, if any.		
17.	DD Details			
	DD No. and Date	Rs. 50,000/- Rs. 50,000/-		
	Fees Paid	434994 dated 02.01.2025 309612 dated 29.01.2025		
	Name of the bank issuing	Karnataka Bank Ltd.		
	Total fee paid	Rs. 1,00,000/-		
	Deficit fee	Rs. 19,15,187/- + late fee, if any.		
18.	File Status	Date		
	File received on	03.02.2025		
	First notice Sent on	19.02.2025		
	1 st reply submitted on	28.02.2025		
	1 st hearing on	24.02.2025 (Adjourned)		
	2 nd reply submitted on	04.03.2025		
	2 nd hearing on	10.03.2025		



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19.

Case History: -

1. The promoter M/s Landmark Apartments Pvt. Ltd. has applied on 03.02.2025 for registration of the Group Housing Project namely "SKYVUE" under section 4 of Real Estate (Regulation and Development), Act 2016.
2. The project pertains to license no. 33 of 2011 dated 16.04.2011 valid up to 15.04.2026 measuring 10.868 acres in sector 103, Gurugram granted by DTCP to Roshan Lal S/o Bhim Singh, Ajabir, Sombir Ss/o Roshan Lal and others in collaboration with M/s Landmark Apartments Pvt. Ltd.
3. The entire project comprises of 3 phases as per the phasing plan approved vide memo no. ZP-721-AD(VK)/2024/7818 dated 04.03.2024:

Phase wise details			
Phase No.	Area in acres	Nomenclature	Status of registration
Phase- 01	2.9225 acres	Tower A, EWS, Part Basement (OC granted on 25.09.2020)	Not registered
Phase- 02	3.9705 acres	Towers B1, B2 and commercial	Applied for registered
Phase- 03	3.975 acres	Community building and future expansion	Not registered
Total	10.868 acres		

The promoter has applied for registration of phase 2 of the project measuring an area of 3.9705 acres.

4. With respect to the clarification sought regarding the status of RERA registration, advertisement, marketing, booking, sale and offer to sale made in any manner with respect to license no. 33 of 2011, the promoter has submitted a reply stating that the company is already having deemed registration as per Act of 2016. the summary of events submitted by the promoter is as follows:

S. No.	Date	Particular
1.	16.04.2011	Promoter received the license no. 33 of 2011
2.	28.07.2017	Commencement of RERA Rules
3.	31.07.2017	Promoter applied for registration of project before HRERA Panchkula along with fee of Rs. 7,75,000/-
4.	25.09.2020	OC was obtained for the project under question



PROJECT	SKYVUE
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5.	26.11.2020	Promoter sought clarification from HRERA Panchkula regarding status of application of registration made by them.
6.	03.04.2024	Show cause notice for non- registration of the project was issued by HARERA Gurugram (Suo-motu complaint no. RERA-GRG-1395-2024)

5. Upon further examination of the record of the Authority and documents submitted by the promoter, it has come to the notice that

- That the fee of Rs. 7,75,000/- was credited in the account of HRERA Panchkula on 05.08.2017.
- That HRERA Panchkula vide its letter dated 26.11.2020 sent the resolution passed by HRERA Panchkula in its meeting dated 28.09.2020. The relevant part of the resolution passed on HRERA meeting dated 28.09.2020 is re-iterated below:

"The Authority observed that the application along with fee was filed by the promoter with the Interim RERA and after establishment of two Authorities, the record/ applications pertaining to the projects within the jurisdiction of Gurugram Authority were transferred to HRERA Gurugram. The fee remitted by the promoter was en-cashed by Interim Authority and the entire funds were apportioned as per decision taken at the State Government level."

- The promoter had again applied for registration of the project u/4 in the HARERA Gurugram vide central receipt 5113/7743 dated 25.02.2020. In the proceedings of the Authority dated 21.09.2020 it was recorded that

"The promoter was asked to submit requisite fee within seven days otherwise application shall be treated as deemed returned. The matter will be heard on 12.10.2020."

However, on the website of the Authority, the project is shown rejected due to non fulfilment of deficiencies on 22.09.2020.

- HARERA Gurugram in the proceeding dated 01.08.2024 in the suo motu case no. RERA-GRG-1395-2024 recorded that on the website of the Authority, it is showing rejected and hence the project is unregistered. The matter be referred to Authority for further consideration.
- The promoter had applied for registration of the phase 2 of the project earlier also under the name "Landmark Akaya" on 03.01.2025. However, since the approval of building plans was not provided in the file, the Authority decided to return the file on 27.01.2025 along with forfeiture of the processing fee.

6. Further, the Authority is in receipt of a complaint dated 10.02.2025 submitted by one of the land owners of the project Sh. Jai Prakash S/o Suraj Bhan wherein it is alleged that the promoter company entered into an unregistered collaboration agreement and unregistered special power of attorney with the complainant and thereafter, fraudulently entered into an agreement to sale. The complainant claims that the special



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	<p>power of attorney stands cancelled as on date and requests the Authority not to register the project.</p> <p>7. In response to the same, the promoter has submitted a clarification stating that the compliant filed by Sh. Jai Prakash is misconceived and with ulterior motive. The developer company right from the beginning was willing to abide by the terms of collaboration agreement dated 08.08.2010 and the subsequent supplementary agreement executed between the parties. However, the prices in the area have increased substantially, the collaborators now with malafide intentions and for the purpose of unjust enrichment are trying to create pressure upon the developer company by filing such complaints.</p> <p>After execution of the said collaboration agreement dated 08.08.2010 some differences arose and litigation took place between the landowner and the developer company and the same were resolved. Out of 17 landowners 11 approached the developer and stated that they did not want to enter into a very long- term deal with the developer company and that they were interested in selling their land and receiving the entire sale consideration immediately. Developer company agreed to the proposal and an agreement for sale dated 02.03.2012 bearing vasika no. 33163 dated 07.03.2012 was executed with respect to the suit land.</p> <p>To settle the dispute with remaining 6 landowners including Sh. Jai Prakash, a supplementary agreement dated 31.01.2014 was executed as per which the developer had to allot 32% saleable area as mentioned in collaboration agreement. The developer allotted flats and executed BBA in 2014 with the landowners as per their share.</p> <p>The developer company has already offered to take possession of their entire share in already developed area for which OC has been obtained but the complainant is not coming forward.</p> <p>8. Various replies dated 28.02.2025 and 04.03.2025 have been scrutinized and the status of remaining deficiencies is as below:</p>	
20.	<p>Present compliance status as on 10.03.2025 of deficient documents as conveyed in the notice dated 19.02.2025</p>	<ol style="list-style-type: none"> 1. Online corrections in REP-I (Part A-H) needs to be done. Documents to be uploaded need to be provided in soft copy less than 5 mb in size. Status: Not submitted 2. Corrections in online DPI need to be done. Status: Not submitted 3. It is noted that the project pertains to license no. 33 of 2011 dated 16.04.2011 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 required to clarify the status of advertisement, marketing, booking, sale and offer to sale made in any manner with respect to license no. 33 of 2011. Status: Clarification provided as per 19(1) above.

PROJECT	SKYVUE
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		<p>4. Details of unsold and sold inventory, if any, along with the status of development works on site with respect to license no. 33 of 2011 need to be provided. The promoter shall be liable to pay late fee, if any. Status: Submitted.</p> <p>5. Total permissible and proposed FAR with respect to area applied for registration needs to be clarified. Status: The query was raised since two different values were on given on the sanctioned plan. The fee has been calculated considering the FAR 47923.75 sqm. However, The promoter has clarified that the proposed FAR for the phase is 53418.271. Accordingly, the fee calculation is revised and provided at S. No 16 above.</p> <p>6. Deficit fee of Rs. 19,15,187/- + late fee, if any, needs to be paid. Status: Not paid. The AR requests for fee calculation, and provided clarification w.r.t proposed residential FAR. Accordingly fee is re calculated at S. No. 16 above and Rs. 19,15,187/- + late fee, if any needs to be paid.</p> <p>7. As per clause 22 of the unregistered collaboration agreements, the agreement shall not be revoked or cancelled, and shall be binding on both the parties until and unless any part of the collaboration agreement is not breached. This needs to be clarified. Status: Not clarified.</p> <p>8. 2/3 consent from the allottees of the project pertaining to license no. 33 of 2011 with respect to the phasing plan and revision in building plan of the project need to be submitted. Status: Submitted. However, the date of consent is not mentioned on any of the consents submitted.</p> <p>9. List of units shared between the landowners and collaborator duly stamped and signed by both the parties need to be submitted. Status: Submitted but not signed by the landowners.</p> <p>10. Clarification regarding right to develop, marketing, raising funds and allotment of real estate in totality with respect to collaboration agreement need to be submitted. Status: Not submitted</p> <p>11. The Authority is in receipt of a complaint dated 10.02.2025 submitted by one of the land owners of the project Sh. Jai Prakash S/o Suraj Bhan wherein it is alleged that the promoter company entered into an unregistered collaboration agreement and unregistered special power</p>
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	<p>of attorney with the complainant and thereafter, fraudulently entered into an agreement to sale. The complainant claims that the special power of attorney stands cancelled as on date and requests the Authority not to register the project.</p> <p>Status: Submitted as detailed above at S. No. 19(7) above.</p> <p>12. Copies of mutation, jamabandi and aks shijra duly certified by a revenue officer not more than 6 months prior to the date of application need to be submitted.</p> <p>Status: Submitted</p> <p>13. Land title search report duly stamped and signed by the advocate/ law firm needs to be submitted.</p> <p>Status: Needs to be revised and based on latest jamabandi. Further, the land schedule mentioned in conclusion needs to be rectified.</p> <p>14. Revised environmental clearance of the project needs to be submitted.</p> <p>Status: Not submitted. The promoter states that revised EC is not required as the earlier one is valid up to 08.11.2027 and the FAR is same as per earlier approval. However, the earlier sanctioned plan needs to be submitted so that the built up area may be compared to verify if revised EC is required or not.</p> <p>15. Revised fire scheme needs to be submitted.</p> <p>Status: Not submitted</p> <p>16. Revised service plans and estimates need to be submitted.</p> <p>Status: Not submitted</p> <p>17. Electrical load availability connection needs to be submitted.</p> <p>Status: Submitted</p> <p>18. Affidavits provided with respect to non-applicability of natural conservation zone, tree cutting NOC and power line shifting needs to be submitted in original.</p> <p>Status: Submitted</p> <p>19. PERT chart of the project submitted is illegible, therefore, needs to be resubmitted.</p> <p>Status: Needs to be revised.</p> <p>20. Allotment letter, builder buyer agreement, conveyance deed and payment receipt need to be revised.</p> <p>Status: Not submitted</p> <p>21. Revised brochure of the project needs to be submitted.</p> <p>Status: Not submitted</p>
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		<p>22. Cost of land amounts to Rs 4620.44 lakhs needs to be clarified according to area i.e. 3.9705 acres applied for registration. Additionally, an affidavit outlining the area-sharing model with the landowners needs to be submitted.</p> <p>Status: Submitted but cost of land needs to be clarified along with supporting documents and an affidavit outlining the area-sharing model with the landowners needs to be submitted</p> <p>23. Details of any other cost, financial resources from equity amounts to Rs 8076.12 lakhs and loans or advances from financial/banks amounts to Rs 15000 lakhs along with supporting documents.</p> <p>Status: Submitted but repayment schedule, NOC from lender needs to be submitted as promoter has taken loan on the project from Bajaj Housing Finance Ltd</p> <p>24. REP-II needs to be revised as OC & CC date is missing.</p> <p>Status: Submitted but REP- II needs to be revised as land is encumbered to Bajaj Housing Finance Ltd and Charge form (Form CHG) needs to be submitted</p> <p>25. Charge form uploaded on ROC (Form CHG) needs to be submitted.</p> <p>Status: Not submitted</p> <p>26. Original non-encumbrance certificate dated 11.11.2024 needs to be submitted.</p> <p>Status: Submitted</p> <p>27. CA Certificate dated 02.01.2025 of non-default needs to be revised. CA certificate for expenditure incurred and to be incurred, CA Certificate for REP-1 and CA Certificate for net worth on latest date needs to be submitted.</p> <p>Status: Submitted and CA Certificate for financial & inventory details needs to be submitted.</p> <p>28. KYC of Architect, CA, Structural Engineer and MEP consultant needs to be submitted.</p> <p>Status: Submitted</p> <p>29. Independent Auditors Report along with financial statement for the financial year 2021-2022, 2022-23 and 2023-24 needs to be submitted.</p> <p>Status: Submitted</p> <p>30. Project Report, quarterly estimated expenditure and net cash flow statement needs to be revised. Board Resolution</p>
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		<p>duly acknowledged for operation of bank account as per RERA Regulation 2016 needs to be revised.</p> <p>Status: Submitted</p> <p>31. Bank Undertaking needs to be submitted.</p> <p>Status: Submitted but original bank undertaking needs to be submitted.</p> <p>32. Original Affidavit of promoter regarding arrangement with the master account under 4(2)(I)(D) needs to be submitted.</p> <p>Status: Submitted</p> <p>33. Challan and schedule of EDC, IDC License Fees and Conversion fees needs to be submitted.</p> <p>Status: Paid challan of conversion fees needs to be submitted</p>
21.	Remarks	<p>1. Online corrections in REP-I (Part A-H) needs to be done. Documents to be uploaded need to be provided in soft copy less than 5 mb in size.</p> <p>Status: Not submitted</p> <p>2. Corrections in online DPI need to be done.</p> <p>Status: Not submitted</p> <p>3. It is noted that the project pertains to license no. 33 of 2011 dated 16.04.2011 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 required to clarify the status of advertisement, marketing, booking, sale and offer to sale made in any manner with respect to license no. 33 of 2011.</p> <p>Status: Clarification provided as per 19(1) above.</p> <p>4. Total permissible and proposed FAR with respect to area applied for registration needs to be clarified.</p> <p>Status: The query was raised since two different values were on given on the sanctioned plan. The fee has been calculated considering the FAR 47923.75 sqm. However, The promoter has clarified that the proposed FAR for the phase is 53418.271. Accordingly, the fee calculation is revised and provided at S. No 16 above.</p> <p>5. Deficit fee of Rs. 19,15,187/- + late fee, if any, needs to be paid.</p> <p>Status: Not paid. The AR requests for fee calculation, and provided clarification w.r.t proposed residential FAR. Accordingly fee is re calculated at S. No. 16 above and Rs. 19,15,187/- + late fee, if any needs to be paid.</p> <p>6. As per clause 22 of the unregistered collaboration agreements, the agreement shall not be revoked or</p>

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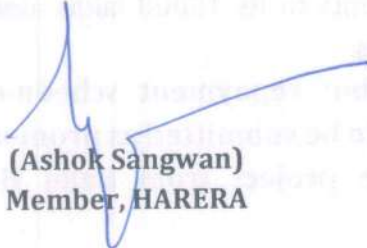

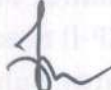
	<p>cancelled, and shall be binding on both the parties until and unless any part of the collaboration agreement is not breached. This needs to be clarified. Status: Not clarified.</p> <p>7. 2/3 consent from the allottees of the project pertaining to license no. 33 of 2011 with respect to the phasing plan and revision in building plan of the project need to be submitted. Status: Submitted. However, the date of consent is not mentioned on any of the consents submitted.</p> <p>8. List of units shared between the landowners and collaborator duly stamped and signed by both the parties need to be submitted. Status: Submitted but not signed by the landowners.</p> <p>9. Clarification regarding right to develop, marketing, raising funds and allotment of real estate in totality with respect to collaboration agreement need to be submitted. Status: Not submitted</p> <p>10. The Authority is in receipt of a complaint dated 10.02.2025 submitted by one of the land owners of the project Sh. Jai Prakash S/o Suraj Bhan wherein it is alleged that the promoter company entered into an unregistered collaboration agreement and unregistered special power of attorney with the complainant and thereafter, fraudulently entered into an agreement to sale. The complainant claims that the special power of attorney stands cancelled as on date and requests the Authority not to register the project. Status: Submitted as detailed above at S. No. 19(7) above.</p> <p>11. Land title search report duly stamped and signed by the advocate/ law firm needs to be submitted. Status: Needs to be revised and based on latest jamabandi. Further, the land schedule mentioned in conclusion needs to be rectified.</p> <p>12. Revised environmental clearance of the project needs to be submitted. Status: Not submitted. The promoter states that revised EC is not required as the earlier one is valid up to 08.11.2027 and the FAR is same as per earlier approval. However, the earlier sanctioned plan needs to be submitted so that the built up area may be compared to verify if revised EC is required or not.</p> <p>13. Revised fire scheme needs to be submitted.</p>
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	<p>Status: Not submitted</p> <p>14. Revised service plans and estimates need to be submitted. Status: Not submitted</p> <p>15. PERT chart of the project submitted is illegible, therefore, needs to be resubmitted. Status: Needs to be revised.</p> <p>16. Allotment letter, builder buyer agreement, conveyance deed and payment receipt need to be revised. Status: Not submitted</p> <p>17. Revised brochure of the project needs to be submitted. Status: Not submitted</p> <p>18. Cost of land amounts to Rs 4620.44 lakhs needs to be clarified according to area i.e. 3.9705 acres applied for registration. Additionally, an affidavit outlining the area-sharing model with the landowners needs to be submitted. Status: Submitted but cost of land needs to be clarified along with supporting documents and an affidavit outlining the area-sharing model with the landowners needs to be submitted</p> <p>19. Details of any other cost, financial resources from equity amounts to Rs 8076.12 lakhs and loans or advances from financial/banks amounts to Rs 15000 lakhs along with supporting documents. Status: Submitted but repayment schedule, NOC from lender needs to be submitted as promoter has taken loan on the project from Bajaj Housing Finance Ltd</p> <p>20. REP-II needs to be revised as OC & CC date is missing. Status: Submitted but REP- II needs to be revised as land is encumbered to Bajaj Housing Finance Ltd and Charge form (Form CHG) needs to be submitted</p> <p>21. Charge form uploaded on ROC (Form CHG) needs to be submitted. Status: Not submitted</p> <p>22. CA Certificate dated 02.01.2025 of non-default needs to be revised. CA certificate for expenditure incurred and to be incurred, CA Certificate for REP-1 and CA Certificate for net worth on latest date needs to be submitted. Status: Submitted and CA Certificate for financial & inventory details needs to be submitted.</p> <p>23. Bank Undertaking needs to be submitted.</p>
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		Status: Submitted but original bank undertaking needs to be submitted. 24. Challan and schedule of EDC, IDC License Fees and Conversion fees needs to be submitted. Status: Paid challan of conversion fees needs to be submitted
(Ashish Dubey) Chartered Accountant		 (Neeraj Gautam) Associate Architectural Executive
Day and Date of hearing		Monday and 10.03.2025
Proceeding recorded by		Ram Niwas
PROCEEDINGS OF THE DAY		
<p>Ar. Neeraj Gautam, Associate Architectural Executive and Sh. Ashish Dubey, Chartered Accountant briefed about the facts of the project.</p> <p>Sh. Abhishek Kanodia (AR), Sh. Sandeep Chhillar (AR), Sh. Amarjeet Kumar (AR) and Sh. N.S. Dalal (AR) are present on behalf of the promoter.</p> <p>Sh. Sukhbir Yadav (Advocate) is present on behalf of Landowners.</p> <p>The counsel for the landowners wishes to submit the formal compliant in the Authority within one week and provide a copy thereof to the promoter for submission of comments, if any.</p> <p>The office to examine the same.</p> <p>The matter to come up on 24.03.2025.</p>		
 (Ashok Sangwan) Member, HARERA		 (Vijay Kumar Goyal) Member, HARERA
		 (Arun Kumar) Chairman, HARERA