

Hearing brief for registration of Project u/s 4

S.No	Particulars	Details
1.	Name of the project	Marbella Phase 7
2.	Name of the promoter	M/s Emaar India Ltd.
3.	Brief of promoter	M/s Emaar India Limited has been incorporated dated 18.02.2005 at registered address 306-308, Square One, C-2, District Centre, Saket, South Delhi, New Delhi, Delhi, India, 110017. Mr. Haroon Saeed Siddiqui, Mr. Jason Ashok Kothari, Mr. Shivani Bhasin Sachdeva, Mr. Jamal Majed Khalfan Bin Theniyah, Anil Harish are the director of the promoter company. Mr. Kalyan Yanmendra Chakrabarti and Mr. Khiroda Chandra Jena are the CFO and Mr. Bharat Bhushan Garg is Company Secretary of the promoter company.
4.	Nature of the project	Residential Plotted Colony
5.	Nature of the phase	Residential Plotted Colony
6.	Location of the project	Sector 66, Gurugram
7.	Legal capacity to act as a promoter	Collaborator
8.	Name of the license holder	M/s Vishnu Apartments Pvt. Ltd. and Others
9.	Status of project	Ongoing
10.	Whether registration applied for whole	Phase
	Total no. of phases	11 (As per revised phasing plan dated 26.05.2026)
	Phase no.	7
11.	Online application ID	RERA-GRG-PROJ-2230-2026
12.	License no.	97 of 2010 dated 18.11.2010 41 of 2011 dated 03.05.2011 101 of 2023 dated 06.05.2023 265 of 2025 dated 31.12.2025
		Valid upto 17.11.2027 Valid upto 02.05.2028 Valid upto 05.05.2028 Valid upto 30.12.2030
13.	Total licensed area	114.419 Acres (116.72525 Acres - 2.30625 Acres Area delicensed/applied for delicense)
		Area to be registered
		2.594 Acres
14.	Projected completion date as per REP II	31.12.2031
15.	QPR Compliances (if applicable)	For RC No. 307 of 2017 dated 17.10.2017: All QPR's submitted For RC No. 08 of 2021 dated 01.03.2021: All QPR's submitted
16.	4(2)(I)(D) Compliances (if applicable)	For RC No. 307 of 2017: All 4(2)(I)(D) submitted For RC No. 08 of 2021: All 4(2)(I)(D) submitted
17.	4(2)(I)(C) Compliances (if applicable)	RC No. 307 of 2017 – Expired RC No. 08 of 2021 – Valid Till 31.12.2027
18.	Status of change of bank account	No application for change in bank account in any of the registration till date has been received.



19.	Details of proceedings pending against the project	For RC No. 307 of 2017: • RERA-GRG-3258-2023- SCN For 4(2)(I)(C): • RERA-GRG-2986-2022- SCN For 4(2)(I)(D): • RERA-GRG-3491-2022 - SCN For QPR: All QPR's submitted • RERA-GRG-5457-2019 - SCN For 4(2)(I)(D): • RERA-GRG 5151-2022- SCN For 4(2)(I)(D): For RC No. 08 of 2021 – • RERA-GRG-4109-2022- SCN For 4(2)(I)(D): • RERA-GRG-4426-2022- SCN For RC Condition Compliance: • RERA-GRG-4211-2022 - SCN For QPR: All QPR's submitted		
20.	RC Conditions (if Complies applicable)	For RC No. 307 of 2017: Interim RERA RC No RC Conditions For RC No. 08 of 2021: Renewal of license no. 97of 2010, revised zoning plan, approval of external sewerage connection, storm water drainage, revised service estimates and plans within 3 months of issuance of the registration certificate – complied partly within time and partly delayed		
21.	Statutory approvals either applied for or obtained prior to registration			
	S.No	Particulars	Date of approval	Validity upto
	i)	License Approval	97 of 2010 dated 18.11.2010 41 of 2011 dated 03.05.2011 101 of 2023 dated 06.05.2023 265 of 2025 dated 31.12.2025	17.11.2027 02.05.2028 05.05.2028 30.12.2030
	ii)	Revised Layout Plan approval	Drg No. DTCP 12095 Dated 23.04.2026	-
	iii)	Zoning Plan Approval	Drg No. DTCP 12096 Dated 23.04.2026	-
	iv)	Revised phasing plan approval	Drg no. DTCP 11997 dated 18.03.2026	-
		Revised phasing plan approval	Drg no. DTCP 12218 dated 26.05.2026	-
	v)	Environment Clearance approval (Expansion)	EC23B039HR185142 dated 08.12.2023	07.12.2033
		Environment Clearance approval (Expansion)	Not submitted	-
	vi)	Airport height clearance	N/A	N/A
	vii)	Fire scheme approval	N/A	N/A
	viii)	Revised Service plan estimates approval	Not submitted	-
22.	Fee Details			
	Registration Fee		Resi - 2.594 * 4046.86 * 1 * 10 = Rs 1,04,976/-	
	Processing Fee		2.594 * 4046.86 * 10 = Rs 1,04,976/-	



	Late Fee	N/A Area under license no.'s 97 of 2010 dated 18.11.2010 and 41 of 2011 dated 03.05.2011 is already registered vide RC no.'s 307 of 2017 dated 17.10.2017 and 08 of 2021 dated 01.03.2021 and other two license no.'s is new i.e., 101 of 2023 dated 06.05.2023 and 265 of 2025 dated 31.12.2025
	Total Fee	Rs 2,09,952/-
23.	DD amount	Rs 2,62,570/-
	DD no. and date	979408 dated 29.04.2026
	Name of the bank issuing	HSBC Bank
	Deficient amount	Nil
24.	Total project cost	Needs to be updated by promoter
25.	Cost Incurred	Needs to be updated by promoter
26.	Cost to be incurred	Needs to be updated by promoter
27.	Cost of IDW Works	Needs to be updated by promoter
28.	Total plots	12 Residential Plots and 1 Primary School
29.	Sold plots	0
30.	Unsold plots	12 Residential Plots and 1 Primary School
31.	Plot Area	357 Sqyd to 500 Sqyd and 2419 sqyd for PS
32.	File Status	Date
	File received on	30.04.2026
	First notice Sent on	13.05.2026
	1st hearing on	25.05.2026 (Adjourned)
	2nd hearing on	08.06.2026
	3rd hearing on	06.07.2026
33.	Case History:	The Promoter M/s Emaar India Limited. who is a collaborator applied for the registration of real estate Residential Plotted colony namely "Marbella Phase 7" located at Sector-66, Gurugram under Section 4 of the Real Estate (Regulations and Development) Act, 2016 vide central receipt no. 110901 dated 30.04.2026 and RPIN-1056. The Temp I.D. of REP - I (Part A-H) is RERA -GRG-PROJ-2230-2026. The project area for registration is 2.594 Acres. The Promoter (M/s Emaar India Limited) in collaboration with land owners obtained the licenses from Director, Town and Country Planning Department (DTCP), Haryana, vide license no.'s 97 of 2010 dated 18.11.2010 and 41 of 2011 dated 03.05.2011 for setting up of Residential Plotted Colony in Sector-65&66, Gurugram for area admeasuring 109.069 acres along with delicensing of part area measuring 1.15 acres, thereby remaining area for the project 107.919 acres. Out of above total licensed area for the project, an area measuring 41.86 acres is registered with the Authority vide RC no. 307 of 2017 dated 17.10.2017 valid till 16.10.2022 and an area



measuring **66.059 acres** is registered with the Authority vide **RC no. 08 of 2021 dated 01.03.2021 valid till 31.12.2027.**

After that promoter obtained two additional licenses vide license no.'s 101 of 2023 dated 06.05.2023 and 265 of 2025 dated 31.12.2025 for the residential plotted colony for area admeasuring 7.65625 acres along with delicensing of part area measuring 1.15625 acres from overall area of residential plotted colony.

As on dated there are 4 licenses vide no. 97 of 2010 dated 18.11.2010 Valid upto 17.11.2027 area measuring 108.006 acres (1.15 acres delicensed), 41 of 2011 dated 03.05.2011 Valid upto 02.05.2026 area measuring 1.063 acres (1.025 acres applied for delicense), 101 of 2023 dated 06.05.2023 Valid upto 05.05.2028 area measuring 4.00625 acres (0.13125 acres applied for delicense) and 265 of 2025 dated 31.12.2025 Valid upto 30.12.2030 area measuring 3.65 acres granted by DTCP, Haryana for developing the residential plotted colony over total area admeasuring 116.72525 acres in Sector 65 & 66, Gurugram. Out of total area admeasuring 116.72525 acres, the area delicensed/applied for delicense is 2.30625 acres, thereby remaining total area of project as per approved revised layout plan/revised phasing plan of the colony is 114.419 acres.

Further, the promoter has obtained the approval of revised phasing plan for the overall licensed area of the project vide DRG No. DTCP 11997 dated 18.03.2026 and revised layout cum demarcation plan for the project vide DRG No. DTCP 12095 dated 23.04.2026 and demarcation cum zoning plan for the project vide DRG No. DTCP 12095 dated 23.04.2026. **The promoter further obtained the revised phasing plan approval vide DRG No. DTCP 12218 dated 26.05.2026 and as per recent revised phasing plan the total licensed area measuring 114.419 acres is being developed in eleven phases.** The details of phasing as mentioned on approved plan by DTCP is tabled below;

S. No.	Phase no	Area (Acres)	RERA Status
1.	Phase 1	41.127	Part of RC no. 307 of 2017 Third party right created
2.	Phase 2	12.99	Part of RC no. 08 of 2021 Third party right created
3.	Phase 3	2.781	Part of RC no. 08 of 2021 No Third party right created
4.	Phase 4	1.615	Part of RC no. 08 of 2021 No Third party right created
5.	Phase 5	20.24225	Part of RC no. 08 of 2021 No Third party right created



6.	Phase 6	2	Part of RC no. 08 of 2021 No Third party right created
7.	Phase 7	2.594	Un registered Applied for registration No Third party right created
8.	Phase 8	16.35625	Part of RC no. 08 of 2021 No Third party right created
9.	Phase 9	10.825	Part of RC no. 08 of 2021 No Third party right created
10.	Phase 10	1.930	Un registered No Third party right created
11.	Phase 11	1.9585	Un registered No Third party right created
Total		114.419	

Accordingly, the promoter applied for registration of project under Section 4 of the Act of 2016 for Phase 7 namely “Marbella Phase 7” with the Authority vide their application dated 30.04.2026. Further, prior to approval of revised phasing plan of the project, the Authority granted RC no. 307 of 2017 dated 17.10.2017 for area measuring 41.86 acres and RC no. 08 of 2021 dated 01.03.2021 for area admeasuring 66.059 acres including part area of present application and remaining area is licensed in the year 2023 & 2025.

The promoter submitted application dated 11.05.2026 wherein, the public notice with regard to the registration application of the promoter has been published in three newspapers i.e., Hindustan Times, The Tribune and Dainik Bhaskar dated 09.05.2026.

The application for registration was scrutinized and 1st deficiency notice vide notice no. HARERA/GGM/RPIN/1056 dated 13.05.2026 was issued to the promoter with an opportunity of being heard on 25.05.2026.

On 25.05.2026, the matter is adjourned to 08.06.2026.

One objection through email dated 27.05.2026 from an allottee namely Pankaj Billa of zone 6 has been received in the Authority against the registration application of the promoter stating that the residents of Zones 1 and 6 of Marbella are facing grave and continuing prejudice on account of successive arbitrary and illegal layout revisions, densification, introduction of S+4 builder floor constructions, alteration of the originally



sanctioned planning framework and the consequent severe impact on the existing infrastructure and residential character of the Project. The residents have invested their hard earned monies in the Marbella Project on the basis of the originally sanctioned low-density villa-only development and are now being severely affected by unilateral and arbitrary actions undertaken without transparency and without consent of the affected allottees. Further certain residents/allottees have already instituted a Writ Petition, CWP-14724-2026 before the Hon'ble Punjab & Haryana High Court challenging the aforesaid illegal approvals, arbitrary layout revisions and S+4 builder floor constructions being permitted within Zones 1 and 6 of the Marbella Project and the matter is presently pending adjudication. A detailed representation/objection with regard to the above is also attached as annexure of email.

Objection was provided to the promoter and promoter vide application dated 04.06.2026, has requested for an adjournment of hearing to submit the detailed reply to the objection.

On 08.06.2026, the matter is adjourned to 06.07.2026.

The promoter submitted the reply dated 12.06.2026 to the objection stating that as per plan submitted to RERA under RC no. 307 of 2017 Zones 1 and 6 are in Marbella phase 1 wherein there are 268 units and objections signed & filed by only 2 allottees. The layout plan of the colony was revised following the due process of public notices and individual notices to allottees. Further, there is no change in area of phase 1 except planning of area which was kept for undermined use earlier in initial layout plan. So there was no requirement of 2/3rd consent of allottees in accordance with clause 3.1.2(iii) of policy dated 24.04.2023 for phasing and seeking 2/3rd consents. Further promoter obtained phasing plan approval from competent authority after policy dated 24.04.2023 and the project is being developed in phase manner. As per clause 4.1.1 of said policy, obtaining of 2/3rd consent of allottees for revision of layout plan shall be limited to phase in which revision is proposed. The limited revision in layout in 2023 & 2025 were due to grant of additional licenses which is allowed as per policy dated 24.04.2023. The changes are proposed in phases where no third-party rights have been created. There is no increase in plots and density of phase 1 (zone 1 & 6) and additional plots are proposed on additional licensed land. The overall density is within permissible limit as per norms. There is no reduction in green area and the promoter has not constructed any S+4 builder floor in the colony. Some plot owners have constructed S+4 floors after approval of competent authority. The promoter has constructed and given possession of villas only along with facilities as per BBA. Further revised approval of service plans and EC expansion are already applied and the promoter is bound to provide the same.

Regarding the writ petition in Hon'ble Punjab & Haryana High Court, the promoter states that petition is not even admitted and no notice issued. Further, the said writ petition was at the verge of dismissal as the Hon'ble Punjab & Haryana High Court had specifically questioned the petitioners as why they have not approached this Hon'ble Authority



instead of filing writ in response of which petitioner have sought time to satisfy the Hon'ble Punjab & Haryana High Court on that aspect.

Next date of hearing in CWP is 08.07.2026.

The site of project has been physically inspected on 21.05.2026 and it is submitted that the residential plotted colony being developed over an area measuring 114.419 acres is situated in Sector 65&66, Gurugram divided by 60 mt wide road. Service road of 12 mt is operational as on date and the project site is accessible from there. Further Phase 7 of the above residential plotted colony is accessible through phase 1 which is directly connected to 12 mt wide service road. As on date part area of phase 7 is developed i.e., road, water supply, sewerage, storm water etc. along with landscaping & play area over plot allocations.

The promoter submitted the changes made in the layout plan of Phase 7 area only as tabled below;

S. No.	License No.	Area	Changes from earlier approved layout plan
1.	101 of 2023	1.947 acres	Additional license area planned
2.	97 of 2010	0.647 acres	UD (Undetermined Use) area planned

The promoter has submitted a reply on 27.05.2026, 04.06.2026, 12.06.2026 and 02.07.2026 which have been scrutinized and the status of documents is mentioned below

34.	Present compliance status as on 06.07.2026 of deficient documents conveyed vide notice dated 13.05.2026	- 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: Needs to be corrected - Corrections in online DPI need to be done. Status: Needs to be corrected - License no. 41 of 2011 has been expired. Renewal of same needs to be submitted. Status: Submitted, license renewed till 02.05.2028. - The details of ongoing litigation in the past five years in relation to the real estate projects developed or being developed by the promoter in the state, if any, in accordance with Rule 14(1)(a)(iii) of the Haryana Real Estate (Regulation and Development) Rules 2017 in the format provided under annexure "C" of Rules 2017 need to be submitted. Status: Submitted
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		5. The area applied for registration of project is part of Phase 7 as per approved revised phasing plan. The project is registrable as a whole or in phase approved by competent Authority. Hence, the part area applied for registration without phasing approval needs to be clarified. Status: Promoter obtained revised phasing plan approval vide DRG No. DTCP 12218 dated 26.05.2026 wherein area of phase 7 has been reduced to applied area i.e., 2.594 acres and no. of phases increased from 10 to 11.
		6. The area applied for registration of project comprises part area already registered vide RC no. 307 of 2017 and 08 of 2021. The same needs to be clarified. Status: Promoter states that area measuring 0.647 acres was registered vide RC no. 307 of 2017. The said area was kept as UD and now in the revised layout plan & phasing plan, the same has been planned and forms part of Phase 7. Accordingly, area of RC 307 of 2017 will stand reduced.
		7. Changes made in the layout plan of the residential plotted colony duly marked on approved layout plan and in tabular form needs to be submitted. Status: Submitted the changes of Phase 7 area. Detailed above in case history.
		8. As layout plan of residential plotted colony has been revised, consent of 2/3rd existing allottees of the colony needs to be submitted. Status: Promoter states that revision from the earlier approved Layout Plan is only in the U.D. Area measuring 0.647 Acres falling in Phase 7 applied for registration. As per clause 3.1.2(iii) of phasing policy dated 24.04.2023, planning of UD area is not considered as revised layout plan. Further, the project is being developed in phases. As per clause 4.1.1 of phasing policy dated 24.04.2023, obtaining of consents shall be limited to the phase in which revision proposed. Since no third-party rights created in land area under Phase 7, hence requirement of consents is not applicable for revision of layout plan of Phase 7.
		9. A notarized affidavit from the Managing Director of promoter company needs to be submitted regarding the consent of the existing two-third allottees furnished to the Authority, are genuine and original Status: Not submitted in view of clarification at point no. 7.
		10. Status of development works in tabular form along with site photos needs to be submitted



	Status: Submitted 11. Approved revised service plan and estimates needs to be submitted. If applied, then copy of the same needs to be submitted. Status: Not submitted. Applied on 24.04.2026. 12. Environment Clearance (Expansion including licensed area vide license no. 265 of 2025) needs to be submitted. Status: Not submitted. Applied on 13.04.2026. 13. All the collaboration agreements with addendum and GPA if any needs to be submitted along with clarification regarding sharing pattern between landowners & developer, marketing rights & irrevocability. Status: Needs to be clarified 14. Project report comprising the case history from initial stage to till date needs to be submitted. Status: Submitted. 15. Mutation, Jamabandi and Aks-shajra duly certified by the revenue officer six months prior to date of application needs to be submitted. Status: Submitted 16. Information to the revenue department regarding the entry of licenses and collaboration agreements in the revenue record needs to be submitted. Status: Submitted 17. Land title search report by an advocate on latest date needs to be submitted including the bar enrolment number of the Advocate. Status: Submitted 18. Copy of electrical load availability connection needs to be submitted. Status: Submitted. Endst no. Ch-52/OLNC-HT/GGM-II/EP-536 dated 06.03.2026 19. Forest NOC and Tree cutting permission needs to be submitted. Status: Needs to be submitted for complete area 20. Affidavit submitted for N/A of Natural Conservation zone, Forest Land diversion and Power line Shifting needs to be revised. Status: Submitted 21. All the approved plans in readable form needs to be submitted. Status: Not readable
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	22. List of the plots sold to the allottees as on date of the application for registration which includes name of the allottees, plot no, plot area, date of booking, average rate, total consideration and amount received needs to be provided. Status: Affidavit of no sale submitted from CEO 23. List of the unsold plots as on date of the application of registration which includes plot no and plot area needs to be provided. Status: Submitted 24. Road access permission expired, the same needs to be updated and sewerage assurance needs to be submitted. Status: Submitted. Promoter states that within validity of the road access permission 12 mt service road was constructed as directed in access permission and also as on date the road is motorable. 25. Superimposed demarcation plan on approved layout plan needs to be submitted. Status: Submitted 26. PERT chart needs to be submitted. Status: Submitted 27. Draft allottees documents i.e., application form & conveyance deed and payment receipt needs to be submitted. Status: Submitted 28. Draft allottees documents i.e., allotment letter needs to be revised. Status: Submitted 29. Five copies of executed allottees documents i.e., application form, allotment letter, BBA & conveyance deed and payment receipt needs to be submitted. Status: Affidavit for no sale of plots submitted 30. Draft brochure/advertisement needs to be revised. Status: Submitted 31. Cost of the land needs to be clarified according to the area applied for the registration. Status: Not submitted 32. REP II needs to be revised. Status: Not submitted 33. KYC of project consultant needs to be provided. Status: Submitted but needs to be verified 34. Latest Non encumbrance certificate not below the rank of tehsildar needs to be submitted. Status: Submitted 35. Background of the promoter needs to be provided.
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		Status: Submitted 36. KYC of registered agent needs to be provided along with KYC of agent. Status: Submitted 37. Affidavit regarding 4(2)(I)(D) for separate bank account needs to be provided. Status: Needs to be revised 38. Quarterly schedule of estimated expenditure and resource needs to be provided. Status: Needs to be revised 39. CA certificate for REP I need to be provided. Status: Submitted 40. CA certificate for net worth needs to be provided. Status: Submitted 41. CA certificate for expenditure incurred and to be incurred needs to be provided. Status: Submitted but not matched with DPI 42. Affidavit regarding no loan on project land needs to be submitted. Status: Needs to be revised 43. Original bank undertaking needs to be provided. Status: Needs to be revised 44. KYC authorized person for separate bank accounts i.e. Mr. Swapnil Gupta need Ramesh Kumar Swami needs to be provided. Status: Submitted 45. Latest MCA record of the promoter needs to be provided. Status: Submitted 46. Affidavit from MD regarding payment to landowner as per compliance of section 4(2)(I)(D) needs to be provided. Status: Not submitted
35.	Remarks	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. 2. Corrections in online DPI need to be done. 3. The area applied for registration of project comprises part area already registered vide RC no. 307 of 2017 and 08 of 2021. The same needs to be clarified. Status: Promoter states that area measuring 0.647 acres was registered vide RC no. 307 of 2017. The said area was kept as UD and now in the revised layout plan & phasing plan, the same has been planned and forms part of Phase 7. Accordingly, area of RC 307 of 2017 will stand reduced.

		4. As layout plan of residential plotted colony has been revised, consent of 2/3rd existing allottees of the colony needs to be submitted. Status: Promoter states that revision from the earlier approved Layout Plan is only in the U.D. Area measuring 0.647 Acres falling in Phase 7 applied for registration. As per clause 3.1.2(iii) of phasing policy dated 24.04.2023, planning of UD area is not considered as revised layout plan. Further, the project is being developed in phases. As per clause 4.1.1 of phasing policy dated 24.04.2023, obtaining of consents shall be limited to the phase in which revision proposed. Since no third-party rights created in land area under Phase 7, hence requirement of consents is not applicable for revision of layout plan of Phase 7. 5. A notarized affidavit from the Managing Director of promoter company needs to be submitted regarding the consent of the existing two-third allottees furnished to the Authority, are genuine and original 6. Approved revised service plan and estimates needs to be submitted. If applied, then copy of the same needs to be submitted. 7. Environment Clearance (Expansion including licensed area vide license no. 265 of 2025) needs to be submitted. 8. All the collaboration agreements with addendum and GPA if any needs to be submitted along with clarification regarding sharing pattern between landowners & developer, marketing rights & irrevocability. 9. Forest NOC and Tree cutting permission needs to be submitted. 10. All the approved plans in readable form needs to be submitted. 11. Cost of the land needs to be clarified according to the area applied for the registration. 12. REP II needs to be revised. 13. KYC of project consultant needs to be provided. 14. Affidavit regarding 4(2)(I)(D) for separate bank account needs to be provided. 15. Quarterly schedule of estimated expenditure and resource needs to be provided. 16. CA certificate for expenditure incurred and to be incurred needs to be provided.
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		17. Affidavit regarding no loan on project land needs to be submitted. 18. Original bank undertaking needs to be provided. 19. Affidavit from MD regarding payment to landowner as per compliance of section 4(2)(I)(D) needs to be provided.
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Recommendations:

The application submitted by the promoter for registration of real estate project under Section 4 of the Act of 2016 as per details given above is complete and all the requisite documents as required u/s 4 of Act of 2016 and Haryana Rules, 2017 are found to be in order except correction in A to H, corrections in online DPI, Approved Environmental Clearance, Approved Revised Service Plan Estimates including documents mentioned at S. No. 35.

The promoter shall submit two separate BG/DD amounting to Rs. 25 lakhs each as a security amount for submission of Approved Environmental Clearance and Approved Revised Service Plans and Estimates within 6 months from the date of grant of registration.

It is recommended that the Authority may consider the grant of registration subject to the submission of above deficit documents mentioned at S. No. 35.

Asha
Asha

Chartered Accountant

on leave
Sumeet

Engineering Officer

Day and Date of hearing	Monday and 06.07.2026
Proceeding recorded by	Ram Niwas

PROCEEDINGS OF THE DAY

Proceedings dated: 06.07.2026.

Ms. Asha, Chartered Accountant briefed about the facts of the case.

Sh. Purushottam Grover, Sh. Venkat Rao, Ms. Priyanka Miglani and Sh. Anitesh Singh (AR's) are present on behalf of the promoter.

Sh. Pankaj Billa complainant along with other allottees & their advocates are present and states that they are the allottees of Phase 1 of the project. The complainant further states that there are arbitrary and illegal layout revisions, densification, introduction of S+4 builder floor constructions, alteration of the originally sanctioned planning framework and the consequent severe impact on the existing infrastructure and residential character of the Project. The residents have invested their hard-earned monies in the Marbella Project on the basis of the originally sanctioned low-density villa-only development and are now being severely affected by unilateral and arbitrary actions undertaken without transparency and without consent of the affected allottees. The same complaint has been filed with DTCP, Haryana as well and a CWP no. 12724 of 2026 with the Hon'ble High Court Haryana, Chandigarh has also been filed.

The Authorized Representative (AR) of the promoter states that the layout plan of the colony was revised following the due process of public notices and individual notices to allottees. Further, there is no change in area of phase 1 except planning of area which was kept for undermined use earlier in initial layout plan. So, there was no requirement of 2/3rd consent of allottees in accordance with clause 3.1.2(iii) of policy dated 24.04.2023 for phasing and seeking 2/3rd consents. Further promoter obtained



phasing plan approval from competent authority after policy dated 24.04.2023 and the project is being developed in phase manner. As per clause 4.1.1 of said policy, obtaining of 2/3rd consent of allottees for revision of layout plan shall be limited to phase in which revision is proposed and there are no allottees in the applied phase. The limited revisions in layout in 2023 & 2025 were due to grant of additional licenses which is allowed as per policy dated 24.04.2023. The changes are proposed in phases where no third-party rights have been created. There is no increase in plots and density of phase 1 (zone 1 & 6) and additional plots are proposed on additional licensed land. The overall density is within permissible limit as per norms. There is no reduction in green area and the promoter has not constructed any S+4 builder floor in the colony. Some plot owners have constructed S+4 floors after approval of competent authority. The promoter has constructed and given possession of villas only along with facilities as per BBA.

The Authorized Representative (AR) of the promoter further states that the part area i.e., 0.647 acres of Phase 7 is already registered with the Authority vide registration certificate no. 307 of 2017 dated 17.10.2017 which was kept as UD area and now in the revised layout plan & phasing plan, the same has been planned and forms part of Phase 7 and undertakes to obtain the amendment in registration certificate no. 307 of 2017 dated 17.10.2017 as per recent approved phasing plan of the project.

The AR of the promoter states that phasing & revised phasing plan along with revised layout plan dated 18.03.2026, 23.04.2026 & 26.05.2026 respectively have been approved by DTCP Haryana and in view of the same, the promoter applied for registration of Phase 7 dated 30.04.2026 wherein no third-party rights have been created till date. In this regard, an affidavit of CEO of the promoter company has been submitted regarding no sale, marketing of project area under Phase 7. The overall licensed area is being developed in eleven phases. Phase 1 & 2 are completed and only UD area therein has been planned in revised layout plan. Further, Phase 3 to Phase 11 are unlaunched/new licenses wherein no third-party rights have been created till date. The revision from the earlier approved Layout Plan is only in the U.D. Area measuring 0.647 Acres falling in Phase 7 applied for registration and as per clause 3.1.2(iii) of phasing policy dated 24.04.2023, planning of UD area is not considered as revised layout plan & consents are not required. Clause 3.1.2(iii) of phasing policy dated 24.04.2023 is reproduced as under:

The area reserved for future expansion or un-determined use is only being planned or being assigned an use without any changes in the remaining layout/building plan.

Further, as per clause 4.1.1 of phasing policy dated 24.04.2023, obtaining of consents shall be limited to the phase in which revision proposed. Since no third-party rights created in land area under Phase 7, hence requirement of consents is not applicable for revision of layout plan of Phase 7. Clause 4.1.1 of phasing policy dated 24.04.2023 is reproduced as under:

In cases where colony is proposed to be developed in phases, obtaining two third consents, for revision of layout/ building plan shall be limited to the phase in which such revision is proposed.

In view of the above submissions made by the promoter, the Authority is of the view that the requirement of obtaining consent of two-third allottees does not arise in the present application for registration of Phase-7 area, keeping in view the clause 3.1.2(iii) & 4.1.1 of the Phasing Policy dated 24.04.2023, as reproduced above, and also considering the submission of the promoter that only UD area has been



planned and no third-party rights have been created in the area falling under Phase-7 applied for registration of the project.

In view of the submissions made by the parties and the material available on record, the Authority observes that the revision of the layout plan and approval of the phasing plan of the project, densification, S+4 builder floor constructions etc. have been granted by the competent authority, i.e., the Director, Town and Country Planning, Haryana (DTCP), in exercise of its statutory powers. The legality, validity or propriety of such approvals falls within the domain of that department and any challenge thereto may be pursued before the appropriate forum in accordance with law. However, it is clarified that if the complainants are of the view that any revision in the layout plan or phasing of the project has adversely affected their rights or has caused them any loss or prejudice, they shall be at liberty to seek appropriate compensation before the Adjudicating Officer under Section 71 of the Real Estate (Regulation and Development) Act, 2016, in accordance with law. Needless to add, this order shall not preclude the complainants from availing any other remedy available to them under law before the competent court or forum. Accordingly, the present complaint stands disposed of.

The Authorized Representative of the promoter further submits that presently Environmental Clearance, revised service plans and estimates approval and Tree Cutting permission are yet to be obtained as on date. Further, the AR of the promoter undertakes to obtain and submit:

- i. Environmental Clearance within 6 months from the date of grant of registration;
- ii. Revised Service Plans and Estimates approval within 6 months from the date of grant of registration;
- iii. Tree cutting permission prior to cutting of any tree.

Further, he undertakes to submit two Demand Drafts / Bank Guarantees amounting to Rs. 25 lakhs each, as a security deposit for timely compliance with the above requirements at point (i) & (ii). It is also expressly undertaken that in the event of failure to obtain and submit the aforesaid approvals within the stipulated time frame, the said security amount(s) shall be liable to be forfeited by the Authority.

The Authority has taken note of the submissions made by the Authorized Representative of the promoter regarding the non-availability of the aforesaid statutory approvals as on date. In view of the above, and in the interest of regulatory compliance, the Authority hereby directs that the promoter shall submit two separate Demand Drafts / Bank Guarantees, each amounting to Rs. 25,00,000/- (Rupees Twenty-Five Lakhs only), in favour of the Authority, as security amounts for timely submission of the Environmental Clearance as well as Revised Service Plans and Estimates approval within 6 months from the date of grant of registration.

In the event of non-submission of any of the above approvals within the prescribed time frames, the corresponding security amount shall stand forfeited by the Authority, and such failure may also attract additional regulatory action as permissible under the Act of 2016, rules and regulations made thereunder. Further, the promoter shall submit the Tree cutting permission prior to cutting of any tree. A condition to this effect shall also be incorporated in the Registration Certificate.

The promoter shall apply for amendment in registration certificate no. 307 of 2017 as per recent phasing plan approval within the period of 1 month.

Approved as proposed subject to rectification of deficiencies mentioned above at S. No. 35.



The Registration Certificate shall be issued after submission of corrections in A-H form, Online DPI, along with the other remaining deficiencies mentioned at S. No. 35 and submission of two DD's/BG's of Rs. 25 lakhs each for submission of Approved Environmental Clearance and Approved Revised Service Plans & Estimates within the timeframe mentioned above.

**(Arun Kumar)
Chairman, HARERA**