

Project – ICON M3M Merlin
Project hearing brief – Registration under section 4 of Real Estate (R & D) Act 2016

SN	Particulars	Details
1.	Name of the project	Icon At M3M Merlin
2.	Name of the promotor	M/s Consolidate Realtors Pvt Ltd
3.	Nature of the project	Group Housing Colony
4.	Location of the project	Sector 67, Gurugram
5.	Legal capacity	License holder
6.	Name of the license holder	M/s Consolidate Realtors Pvt Ltd
7.	Status of project	Ongoing
8.	Whether registration applied for whole/ phase	Phase
9.	Fee details	
	Registration fee	18233.494*10*1.75=3,19,087/-
	Late fee	Rs 6,38,174/-
	Processing fee	18233.494*10=Rs 1,82,335/-
	Total fee	Rs 11,39,596/-
	DD Details	
	DD amount	(1) Rs 3,85,000/- (2) Rs 1,82,500/- (3) Rs 40,800/- (4) Rs 20,250/-
	DD no. and date	(1) 510772 dated 17.08.2020. (2) 510773 dated 17.08.2020 (3) 000264 dated 04.02.2021 (4) 000265 dated 04.02.2021
	Name of the bank issuing	ICICI Bank
	Deficient amount	Rs.5,11,046/-
10.	Online application ID	RERA-GRG-PROJ-715-2020
11.	License no.	53 of 2011 dated 10.06.2011 Valid upto 09.06.2021
12.	Total licensed area	13.344 Acres Area to be registered 1.22 Acres
13.	Statutory approvals either applied for or obtained prior to registration	
i)	License Approval	Date of approval 10.06.2011 Validity upto 09.06.2021
ii)	Zoning Plan Approval	14.06.2011 valid
iii)	Building plan Approval	15.07.2020 14.07.2025
iv)	Environmental Clearance	Applied on 13.06.2019

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	v)	Airport clearance height	06.08.2019	06.08.2027
	vi)	Fire scheme approval	Applied on 16.07.2020	
	vii)	Service plan and estimate approval	Applied on 16.07.2020	
14.	File Status		Date	
	Project received on		24.08.2020	
	1 st deficiency notice sent on		03.09.2020	
	1 st Hearing on		14.09.2020 (adjourned)	
	Reply submitted on		15.09.2020	
	2 nd Hearing on		21.09.2020	
	3 rd Hearing on		22.09.2020	
	4 th Hearing on		12.10.2020 (adjourned)	
	5 th Hearing on		02.11.2020	
	6 th Hearing on		17.11.2020	
	7 th Hearing on		30.11.2020	
	8 th Hearing on		14.12.2020	
	9 th Hearing on		08.02.2021	
	10 th Hearing on		22.02.2021	
	11 th Hearing on		27.09.2022	
	12 th Hearing on		04.10.2022	
15.	Projected date of completion of the project		15.09.2025	
16.	Present stage of completion for ongoing projects (%)		Ongoing	
17.	(sold units - in case of ongoing/ unsold units)		118 unsold units (applied for registration) Total 817 units (114 EWS)	
18.	Total Project cost		14434.98 lakhs	
19.	Detail of encumbrances		Non encumbrance certificate submitted	

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20.	Remarks	GH colony namely M3M Merlin is developed on 13.344 acres of land under license no. 53 of 2011 on the land reserved for future development in the earlier approved building plan. There is total 11 towers in the project out of which h occupation certificate for tower 1 to 6, 7, 8 to 10, EWS, community building, shops has been received vide DTCP memo no ZP-748/SD(BS)/2017/5648 dated 24.03.2017. DTCP, Haryana vide its TDR utilization certificate no.1257-D/Asstt. (AK)/2017/5648 dated 01.01.2020 has granted permission to use 19142.85 sq. m FAR in the instant license no. 53 of 2011 in lieu of TDR certificate no 04 of 2018 dated 21.06.2018 granted to Benchmark Infotech Pvt ltd. Total approved FAR including permitted TDR is 113644.89 sq. m out of OC granted for 93605.08 sq. m. balance FAR is 20038.75 sq. m. Building plan revised which includes new tower T-11 (ICON at M3M Merlin) has been approved on 15.07.2020. This tower is a G+29 floor with 2 basements, the approved FAR for which is 18223.494 sq. m and the same is applied for RERA registration. No reply submitted by the promoter.
21.	Proceeding on 14.09.2020	The promoter had applied for registration of the project on 24.08.2020 at the Haryana Real Estate Regulatory Authority, Gurugram. The deficiencies were conveyed to the promoter on 03.09.2020 vide letter no. HARERA/GGM/ RPIN/259 whereby the promoter was given an opportunity of hearing on 14.09.2020 at 3:00 pm in the office of HARERA, Gurugram. The Authority received an application from the promoter dated 10.09.2020 requesting an adjournment of 7 days because the promoter require more time to collect and compile the required data from the concerned departments due to Covid-19. The authority has granted an adjournment and a fresh opportunity of online hearing on 21.09.2020 at 3:00 p.m.
22.	Proceeding on 21.09.2020	Adjournment. The matter fixed for 22.09.2020
23.	Proceeding on 22.09.2020	During online hearing, Mr. Abhijeet Faujidar is present on behalf of the promoter. The matter is discussed at length and it was found that group housing colony named M3M Merlin was developed on 13.344 acres of land under license no. 53 of 2011. The total FAR permissible as per earlier building plan dated 30.07.2016 is 9450.0412 sq. m and achieved is 93606.151 sq. m. Total towers in the project are 10 along with a leftover land marked as "Area for future development". Occupation certificate for tower 1 to 6, 7, 8 to 10, EWS, community building, shops has been received vide DTCP memo no ZP-748/SD(BS)/2017/5648 dated 24.03.2017. Later on, DTCP, Haryana vide TDR certificate no 04 of 2018 dated 21.06.2018 has granted additional FAR to M/s Benchmark Infotech Pvt

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Ltd. Accordingly, as per TDR utilization certificate no.1257-D/Asstt. (AK)/2017/5648 dated 01.01.2020, DTCP, Haryana has granted permission to M/s Consolidate Realtors Pvt Ltd to utilize 19142.85 sq. m of FAR under license no. 53 of 2011 out of the approved FAR 55588.18 sq. m of TDR certificate no. 4 of 2018.

Now, total approved FAR including permitted TDR is 113644.89 sq. m out of OC granted for 93605.08 sq. m. balance FAR is 20038.75 sq. m.

Building plan is revised vide memo no. 12566 dated 15.07.2020 which includes new tower named T-11 (ICON at M3M Merlin). This tower is a G+29 floor with 2 basements and the approved FAR for this tower is 18223.494 sq. m and the same is applied for RERA registration.

As per section 14(2) of Real Estate (Regulation and Development) Act, 2016 which is reproduced below:

"Adherence to sanctioned plans and project specifications by the promoter

(2) Notwithstanding anything contained in any law, contract or agreement, after the sanctioned plans, layout plans and specifications and the nature of the fixtures, fittings, amenities and common areas, of the apartment, plot or building, as the case may be, as approved by the competent authority, are disclosed or furnished to the person who agree to take one or more of the said apartment, plot or building, as the case may be, the promoter shall not make—

(i) any additions and alterations

(ii) any other alterations or additions in the sanctioned plans, layout plans and specifications of the buildings or the common areas within the project without the previous written consent of at least two-thirds of the allottees, other than the promoter, who have agreed to take apartments in such building.

Explanation.—For the purpose of this clause, the allottees, irrespective of the number of apartments or plots, as the case may be, booked by him or booked in the name of his family, or in the case of other persons such as companies or firms or any association of individuals, etc., by whatever name called, booked in its name or booked in the name of its associated entities or related enterprises, shall be considered as one allottee only."

Only the balance FAR out of the earlier permissible FAR can be used in this area left for future development and the rest area will be used for green area or open area. Therefore, the project has undergone revision and it is mandatory for the promoter to obtain 2/3rd allottees consent before taking registration from the authority because section 14(2) of RERA Act, 2016 is applicable on this project.

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		Also, the promoter is required to submit the deficit documents along with deficit fees. The matter will be heard on 12.10.2020.
24.	Proceeding on 12.10.2020	Matter is adjourned for 02.11.2020 (Objection)
25.	Proceeding on 02.11.2020	Sh. Abhijeet Singh authorized representative of the promoter is present during online hearing of Icon at M3M Merin Project being developed by M/s Consolidate Realtors Private Limited. Despite repeated requests to the promoter for completion of the below-noted deficiencies, the promoter has not submitted the reply till date. The deficiencies which are not fulfilled by the promoter is as follows: 1. Copy of approved environment clearance not submitted. 2. Deficit fee of Rs. 572096/- not paid. 3. Copy of approved service estimates and plans not submitted. 4. Copy of approved fire scheme approval along with plans not submitted. 5. Copy of mining permission not submitted. 6. Details of all the community facilities which shall be handed over to the RWA or competent authority and to be constructed by the promoter itself and not forming part of the basic sale price needs to be provided. 7. Details of sold unsold inventory unit wise needs to be submitted. 8. Information to revenue department about the fact that project land licensed and bonded for setting up of a colony not informed to the revenue department for entry in the record of ownership. Part-E-Project Cost/sale Proceeds 9. Approved document of adjustment of External development charges and infrastructure development charges needs to be provided. 10. Approved service estimate plan has not been provided. 11. Saleable area to be mentioned in the form of carpet area square feet Part-H-Details of separate bank 12. Copy of home loan tie-up with banks not provided 13. Affidavit by the promoter. Keeping, in view the provisions of section 4 (2) (l) (D) of the Real Estate (Regulation & Development) Act, 2016, a separate account is to be maintained in a scheduled bank wherein 70% of the amounts realized from the allottees of the real estate project from time to time is to be deposited. 14. REP-II form not notarized. Part- J Additional details in case of an ongoing project 15. As per the definition of the ongoing project it is an ongoing project hence details of Part-J need to be provided. 16. Builder buyer agreement as per prescribed format needs to be submitted 17. Allotment letter and payment receipt need to be submitted. 18. Copy of superimposed demarcation plan on an approved site plan on the A1 sheet not submitted. 19. Earlier approved building plan needs to be submitted. 20. Approved fire scheme plans not submitted. 21. PERT Chart not submitted 22. Brochure of "Icon At M3M Merlin" needs to be submitted. The promoter has requested for extension of time to submit the reply of the deficiencies. The request was considered by the authority and decided to grant 2 weeks' time to complete all the deficiencies by 17.11.2020. Now the matter to come up on 17.11.2020.

26.	Proceeding on 17.11.2020	Matter adjourned for 30.11.2020.
27.	Proceeding on 30.11.2020	Matter adjourned for 14.12.2020.
28.	Proceeding on 14.12.2020	Matter adjourned for 08.12.2020.
29.	Proceeding on 08.02.2021	No reply submitted by the promoter. Authority considered the matter as per agenda note and decided that we should wait for reply of the reference sent to the Director, Town and Country Planning, Govt. of Haryana, Chandigarh for clarification and guidance in the matter. Hearing adjourned for 22.02.2021.
30.	Proceeding on 22.02.2021	Sine-Die
31.	The following documents which are still pending are: - Online corrections in REP-I (Part A-H) needs to be done. Status: Not done - Part J needs to be filled up in the DPI. Status: Part J not filled. Part-A Project Proponents - Non encumbrance certificate for the Jamabandi year 2005-06 needs to be provided. Status: Non encumbrance certificate certified by naib tehsildar which is not acceptable. Part-B Statutory Approvals - Copy of approved environment clearance not submitted. Status: Applied on 13.06.2019 but approval still pending. - Deficit fee of Rs. 5,11,046/- not submitted. Status: Deficit fee not submitted. - Copy of approved service estimates and plans not submitted. Status: Applied on 16.07.2020 but final approval still awaited. - Copy of approved fire scheme approval along with plans not submitted. Status: Applied on 16.07.2020 but final approval still awaited. - Copy of mining permission not submitted. Status: Not submitted. - Details of all the community facilities which shall be handed over to the RWA or competent authority and to be constructed by the promoter itself and not forming part of basic sale price needs to be provided. Status: as per reply, no community facilities in this phase. - Details of sold unsold inventory unit wise needs to be submitted.	

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Status: Not provided

11. Information to revenue department about the fact that project land licensed and bonded for setting up of a colony not informed to the revenue department for entry in the record of ownership.

Status: Not provided

Part-E-Project Cost/sale Proceeds

12. Approved document of adjustment of External development charges and infrastructure development charges needs to be provided.

Status: Not Provided

13. Approved service estimate plan has not been provided.

Status: Service estimate plan has not been approved it is applied to HSVP Gurgaon.

14. Saleable area to be mentioned in the form of carpet area square feet

Status: carpet area should be in sq. not in sq. Ft.

Part-H-Details of separate bank

15. Copy of home loan tie up with banks not provided

Status: Not Provided

16. Affidavit by the promoter. Keeping, in view the provisions of section 4 (2) (I) (D) of the Real Estate (Regulation & Development) Act, 2016, a separate account is to be maintained in a scheduled bank wherein 70% of the amounts realized from the allottees of the real estate project from time to time is to be deposited

Status: Needs to be corrected

17. REP-II form not notarized.

Status: Needs to be corrected

Part- J Additional details in case of ongoing project

18. As per the definition of ongoing project it is ongoing project hence details of Part-J needs to be provided.

Status: Not Provided

Folder A**Allottee related draft documents**

19. Builder buyer agreement as per prescribed format needs to be submitted

Status: Payment plan not in prescribed format. BBA needs to be revised.

20. Allotment letter and payment receipt needs to be submitted.

Status: Payment receipt submitted. Allotment letter not submitted in prescribed format.

Folder B**Various plans to be annexed**

21. Copy of superimposed demarcation plan on approved site plan on A1 sheet not submitted.

Status: Not submitted

22. Earlier approved building plan needs to be submitted.

23. Approved fire scheme plans not submitted.

Status: Not submitted

24. PERT Chart not submitted

Status: All infrastructure components progress is not shown in the PERT chart.

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25. Brochure of "Icon At M3M Merlin" needs to be submitted.

Status: Not submitted

The remaining deficiencies as conveyed during hearing on 02.11.2020 are not fulfilled by the promoter are as follows:

1. Copy of approved environment clearance not submitted.
2. Deficit fee of **Rs. 5,11,046/-** not submitted.
3. Copy of approved service estimates and plans not submitted.
4. Copy of approved fire scheme approval along with plans not submitted.
5. Copy of mining permission not submitted.
6. Details of all the community facilities which shall be handed over to the RWA or competent authority and to be constructed by the promoter itself and not forming part of basic sale price needs to be provided.
7. Details of sold unsold inventory unit wise needs to be submitted.
8. Information to revenue department about the fact that project land licensed and bonded for setting up of a colony not informed to the revenue department for entry in the record of ownership.

Part-E-Project Cost/sale Proceeds

9. Approved document of adjustment of External development charges and infrastructure development charges needs to be provided.
10. Approved service estimate plan has not been provided.
11. Saleable area to be mentioned in the form of carpet area square feet.

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12. Copy of home loan tie up with banks not provided.
13. Affidavit by the promoter. Keeping, in view the provisions of section 4 (2) (l) (D) of the Real Estate (Regulation & Development) Act, 2016, a separate account is to be maintained in a scheduled bank wherein 70% of the amounts realized from the allottees of the real estate project from time to time is to be deposited.
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Part- J Additional details in case of ongoing project

15. As per the definition of ongoing project it is ongoing project hence details of Part-J needs to be provided.
16. Builder buyer agreement as per prescribed format needs to be submitted.
17. Allotment letter and payment receipt needs to be submitted.
18. Copy of superimposed demarcation plan on approved site plan on A1 sheet not submitted.
19. Earlier approved building plan needs to be submitted.
20. Approved fire scheme plans not submitted.
21. PERT Chart not submitted.
22. Brochure of "Icon At M3M Merlin" needs to be submitted.

On 27.09.2022, the hearing was adjourned due to paucity of time and matter is fixed for 04.10.2022.



HARERA
GURUGRAM

HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा भूसंपदा विनियामक प्राधिकरण गुरुग्राम-

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

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The promoter submitted a reply on 27.09.2022. After scrutinizing the reply, it is found that the promoter has requested for the withdrawal of the application for registration. The promoter stated that they have defer the launch and development of the said project. It is further stated that the promoter deposited a sum of Rs 6,28,550/- towards registration and processing fee. The promoter also requested to refund the paid fee or allow to be adjusted against further application for registration of this project or any other project for registration of their associate company's project as and when submitted for registration before the Authority.

Asha
Asha

Chartered Accountant

Ashish Kush
04/10/2022
Ashish Kush

Planning Executive

Day and Date of hearing

Tuesday and 04.10.2022

Proceeding recorded by

Sh. Ram Niwas

PROCEEDINGS OF THE DAY

Proceedings dated 04.10.2022

Sh. Ashish Kush, Planning Executive and Ms. Asha (Chartered Accountant) briefed the facts of the case.

Sh. Manik Sharma (Authorized Signatory) and Sh. Abhijeet Singh (AR) are present on behalf of the promoter. The AR of the promoter requested for the withdrawal of the application for registration as they have deferred the launch and development of the said project and further requested to refund the paid fee or allow to be adjusted against further application for registration of this project or any other project for registration of their associate company's project as and when submitted for registration before the Authority.

The Authority allowed the withdrawal of the application for registration of their group housing colony subject to the forfeiture of the Processing fee – Rs 1,82,335/- and the balance amount if any will be adjusted at the time of fresh application of registration. The matter stands disposed of.

(Sanjeev Kumar Arora)
(Sanjeev Kumar Arora)
Member, HARERA, Gurugram

(Ashok Sangwan)
(Ashok Sangwan)
Member, HARERA, Gurugram

(Dr. K.K. Khandelwal)
(Dr. K.K. Khandelwal)
Chairman, HARERA, Gurugram

