
**CASE NO. 225/2018 TITLED AS
GREENOPOLIS WELFARE
ASSOCIATION V/S M/S ORRIS
INFRASTRUCTURE PVT. LTD. &
ANOTHER**

INTERIM ENQUIRY REPORT

22 OCTOBER 2018



**DR.(PROF.) M.S TURAN
COMMISSIONER INVESTIGATION
AND MONITORING OFFICER**

Interim Enquiry Report
In case no. 225/2018 titled as Greenopolis Welfare Association
V/s
M/s Orris Infrastructure Pvt. Ltd. & another...

In the case titled as above, vide letter No. 8/1-2018 HARERA/GGM(Admn) dated 08.08.2018, I was appointed Commissioner Investigation & Monitoring officer by the HARERA, Gurugram with the following terms of reference mentioned in the proceedings of the judgement by the Authority on 02.08.2018.

1. Terms of reference: -

The Authority exercising the powers under section 35 of the Real Estate (Regulation and Development) Act, 2016 hereby appoint Sh. M.S. Turan J-52(FF) Emerald Hills, Sector 65 (Golf Course Extension Road), Gurgaon, Prof. of Management (Retd.) Guru Jambheshwar University of Tech. Hisar who had been officiating Vice Chancellor, Dean Academic Affairs, Registrar etc. of the University to conduct an inquiry in relation to the affair of both the promoters of Greenopolis Project Sector 89 Gurugram i.e. Orris Infrastructure Pvt. Ltd., and Three-C Shelter Pvt. Ltd.,

Sh. M.S. Turan is authorized to conduct inquiry, shall be designated as Commissioner Investigation and Monitoring Officer on behalf of HARERA for Greenopolis project and shall exercise the powers of the authority as vested in it under Section 35(2) of the Act. The Greenopolis project is facing rough weather and has only been partially completed in spite of lapse of nearly seven years. It is alleged that the construction of the project is held up and there is no likelihood of completion in near future.

On the request of the counsel for the complainant that the authority should explore the possibilities of completion of the project in a reasonable period so that hard money of the buyers who had invested in the project may not be defrauded. The allottees have already suffered as they have put in their hard-earned money in the project and so far, the possession has not been handed over inspite of the fact that due date of possession was December 2015. The allottees have passed through mental agony, frustration and disappointment on account of non-fulfilment of the obligation by the promoter. On the request of the counsel for the complainant and both the respondents it was decided to appoint financial auditor and a due diligence firm for finances and quantity surveyor for the assessment of the work done so far and remaining work to be carried out. The counsel for the complainant and respondent decided that the services of Carries and Brown as financial auditor and Quantum Infrastructure Pvt. Ltd., as quantity surveyor be engaged and made available to the investigating officer so that he is in a position to carry out inquiry into the affairs of the promoters relating to Greenopolis project. It was decided that the financial auditor shall not only audit the account and expenditure of the work in relation to this project but will also give various alternate and plan of action for completion of the project and arrangement of finance if refund is to be made to some of the allottees who do not intend to continue with the project as per provision of Section 18(1) of the Act *ibid*. The counsel for the complainant and the respondent agreed that the financial auditor be paid remuneration of Rs. 15 lacs and quantity surveyor will be paid Rs. 10 lacs. The Commissioner investigation shall be paid monthly remuneration on the basis of usual formula adopted in reemployment in the government department as last drawn salary minus un-

commuted pension. The expenditure to carry out inquiry and investigation in the affairs of Greenopolis project shall be paid out of the account of Three-C Shelters Pvt. Ltd., the office accommodation, infrastructure and necessary manpower for carrying inquiry, investigation shall be made available by Three-C Shelter Pvt. Ltd. to the commissioner inquiry.

The detailed scope of work of financial auditor and quantity surveyor shall be finalized by the inquiry officer in consultation with the complainant and the promoters. Inquiry Officer shall submit his report within a period of three months from the date of this order. The reports from the financial auditor be finalised within a period of two months and quantity surveyor report to be submitted within a period of one month from the date of orders.

The Monitoring Officer/ Commissioner Investigation shall start functioning within 10 days from today.

ROLE OF MONITORING OFFICER/ COMMISSIONER INVESTIGATION

The Monitoring Officer/ Commissioner Investigation shall

- a. Conduct inquiry into the affairs of promoter and project Greenopolis.
- b. monitor the project receivables, approve the construction budget, release such amounts as deemed fit for construction during the interim period of two months
- c. monitor the process of due-diligence by both financial as well as quantity surveyor
- d. issue appointment letters to Currie & Brown for due-diligence including financial diligence, to do and also review

- of Quantity Surveyor Report., to suggest a mitigation /execution plan (as per the scope detailed herein below) for the project at fee of Rs.15 Lacs with applicable taxes.
- e. Shall issue an appointment letter to M/s Quantum Projects Infra Pvt. Ltd as Quantity Surveyor for quantity survey of the project at a consolidated fee of Rs.10.00 lacs with applicable taxes.
 - f. Shall initiate, co-ordinate, facilitate the process of both Currie & Brown & Quantum Projects.
 - g. To initiate the payment of fees to both the above.
 - h. To seek report from Currie & Brown and submit the same with the HARERA.
 - i. To circulate the report of Currie & Brown to all the parties and seek the comments.

The offer of engagement was sent to me vide office memo. No. 8/1-2018 HARERA/GGM(Admn) dated 08.08.2018(attached on page 01-14) of which I conveyed the acceptance on 13.08.2018(attached on page-15). Acting on the terms of reference, I examined necessary papers related to this case as made available to me by HARERA office. This was followed by first meeting with the stake holders on 21.08.2018 so as to move ahead in the case.

The aforesaid meeting was attended by the representatives of the promoters/developers along with their counsels, Greenopolis RWA and consultancy firms including Currie & Brown and Quantum ProjectInfra Pvt. Ltd, among others. Necessary instructions relevant to the stake holders and scope of work for the consultancy firms were conveyed in the meeting and all were impressed upon to perform their roles and

responsibilities with at most sincerity and speed (please see proceeding of meetings on attached on page 16-24).

This was followed by the others two meetings on 24.08.2018(attached on page 25-27) at sector-89, Greenopolis project site & 29.08.2018(attached on page 28-33) in HARERA office to take stock of execution of decisions taken in the meeting of 21.08.2018 and take other important decisions in order to resumption of construction work at site and speed-up the mobilization of necessary information from the promoters (Three C & Orris) for being used by the consultancy firms (Currie & Brown and Quantum) in the preparation of their reports. Subsequent to my oral briefings and conveyance of the proceedings of the meetings, the Hon'ble Chairperson HARERA Gurugram held two others important meetings on 07.09.2018 (attached on page 34-36) & 17.09.2018(attached on page 37-40) in which several important decisions were taken in order to start the work at full swing w.e.f 15.10.2018 agreed upon by the developers present in these meetings. Besides this I had rounds of discussions with representative of consultancy firms in particular and the stake holders in general for eliciting the consultancy reports in time so as to serve it as a guide to action for resumption of construction work which was held up since long to the dismay of allottees.

2. **Actions taken & outcome: -**
a. **Conduct of enquiry into affairs of promoters and project Greenopolis**

The report is contingent upon the reports of consultancy firms and the same will be submitted within one month of the submission of financial due diligence report by Currie & brown, as envisaged in HARERA decision dated 02.08.2018. Currie & Brown will use the quantity

survey/cost audit report in finalizing their due diligence report. The Quantum ProjectInfra has submitted their draft report on 26.09.2018(attached on page 41-107) & final report on 15.10.2018(attached on page 108-174) which was conveyed to Currie & Brown on the same day. The senior Director of Currie & Brown, Mr. Rupinder Malik has sought extension of one week to submit their financial due diligence report by 22.10.2018. Currie & Brown has mailed the due diligence report to me on dated 22.10.2018 at 08.16 PM which is being submitted to the HARERA Authority(enclosed).

- b. **Monitor the project receivables, approve the construction budget, release such amounts as deemed fit for construction during the interim period of two months**

As of now, there is no construction budget and project receivables to monitor. The Three C shelters has conveyed the list of 08 numbers(attached on page 175) of bank accounts out of which only 02 numbers are operational in which balance worth Rs. 42,92,939.82(42,79,224+13,715.82) is available as reported by the developer company. As the construction work has not been resumed, there has not been any demand for release of funds by Three C Shelters Pvt. Ltd.

- c. **Monitor the process of due-diligence by both financial as well as quantity surveyor**

The Quantum ProjectInfra, the quantity surveyor has submitted their report (copy enclosed) and the same has been handed over to Currie & Brown for final financial due diligence report. The work on these reports has been monitored on day to day basis and several rounds of discussions have been held on the materials, methods and preparations of the report. As aforesaid Currie & Brown has submitted the report

running in 348 pages including Quantum ProjectInfra report annexed to it.

- d. **Issue appointment letters to Currie & Brown for due-diligence including financial diligence, to do and also review of Quantity Surveyor Report., to suggest a mitigation /execution plan (as per the scope detailed herein below) for the project at fee of Rs.15 Lacs with applicable taxes.**

The appointment letter was issued vide this office no. complaint No. 225/2018 dated 14.08.2018(attached on page 176-177).

- e. **Shall issue an appointment letter to M/s Quantum Projects Infra Pvt. Ltd as Quantity Surveyor for quantity survey of the project at a consolidated fee of Rs.10.00 lacs with applicable taxes.**

The appointment letter was issued vide this office no. complaint No. 225/2018 dated 14.08.2018(attached on page 176-177).

- f. **Shall initiate, co-ordinate, facilitate the process of both Currie & Brown & Quantum Projects.**

Having explained the scope of work to Currie & Brown and Quantum ProjectInfra during a meeting held on 21.08.2018, the data & information required from the promoters was made available to them, though with lot of follow-up and persuasion from time to time. Several meetings were held with both the consultancy firms severally and jointly as per need. The Quantum ProjectInfra have submitted their quantity survey/cost audit report on 15.10.2018 and the same was discussed along with the representative of Currie & Brown as the latter are to use the outcome of quantity survey report in the due diligence report, particularly in the mitigation plan. Now the Currie & Brown have also finalized their report which is being submitted to the Authority and the stake holders.

- g. **To initiate the payment of fees to both the above.**

The Three C Shelter Pvt. Ltd. incumbent to make payment to the consultancy firms, was geared up several times to release the payment to both the firms in a phased manner. However, they have made fifty percent payment to only one firm i.e. Quantum ProjectInfra & no payment has yet been released to Currie & Brown, notwithstanding the fact that reports have been received from both the firms for further consideration.

h. To seek report from Currie & Brown and submit the same with the HARERA.

The report has been sought and the same is being submitted here-with.

i. To circulate the report of Currie & Brown to all the parties and seek the comments.

The report is being circulated.

Besides above, the following actions have also been taken in compliance with the judgements of the Authority dated 12.07.2018(attached on page 178-182) & 02.08.2018.

- i) Vide letters no. 225/2018/HARERA/GGM/INVESTIGATION dated 13.09.2018(attached on page 183-184), the registrar of company and sub-registrar (attached on page 185-187) have been informed by the Secretary, HARERA about stay on alienation/creation of any kind of right-FAR of 82258 sq. mtrs. (10.00 acres land) and stay on alienation/creation of any kind of right, encumbrance, sale, transfer etc. on the unsold inventory of Greenopolis project held by Orris Infrastructure and Three C Shelters Pvt. Ltd. and their group companies.
- ii) Vide letter No. 225/2018/CIMO/03 dated 18.09.2018 & letter No. 225/2018/CIMO/04 dated 18.09.2018(attached on page 188-191),

the Chief Manager Axis Bank & the Chief Manager Kotak Mahindra, respectively have been requested for stoppage of withdrawals from bank accounts of M/s Three C Shelters Pvt. Ltd. A confirmation to this effort has been received from Kotak Mahindra bank, Sector-18, Noida where the reported bank account balance is Rs. 13,715.82 vide their letter No. Nil dated 06.10.2018. However, no confirmation has been received from Axis Bank which holds one live accounts of Three C Shelters Pvt. Ltd. with balance of Rs. 42,79,224.

3. **Status of executions on other important decisions taken post 02.08.2018.**

In pursuance of HARERA decision dated 02.08.2018, several follow-ups, meetings were held to gear-up the resumption of construction work in keeping with the spirit of the decision, pending receipt of quantity survey report and financial due diligence report.

Resumption of construction work: As availability of funds is the pre-requisite for resumption of construction work, it was resolved in the meeting held by the undersigned with stake holders on 24.08.2018 that M/s Three C shelters will immediately arrange Rs. 20 crores as seed money to resume the construction work so as to instill a sense of confidence in the minds of allottees and motivate them to pay further instalments linked to the stages of constructions. However, in another follow-up meeting held on 29.08.2018, Mr. Vidur Bhardwaj, Director M/s Three C Shelters informed that they have sold a land parcel worth more than Rs. 50 crores and its proceeds would be transferred to collection account of Greenopolis project for an early resumption of construction work. But this turned out barely a promise and no such amount has yet been transferred. Subsequently on 07.09.2018, Hon'ble Chairperson HARERA Gurugram convened a meeting of the Authority in

which Mr. Vijay Gupta, CMD Orris Infrastructure and Mr. Vidur Bhardwaj, Director Three C Shelters Pvt. Ltd. were also present and signed the proceedings of the meeting, ostensibly as a mark of their commitment to honour the decision of the Authority. Among other things, it was decided in the meeting that Three C Shelters Pvt. Ltd. as per their own commitment will start the work on project in full swing by 15.10.2018(attached on page 192). Here it is important to mention that this decision has the force of the direction of the Authority as set out in clause-8 of the proceedings of the meeting under reference and its non-compliance may attract penal proceedings under the Act, yet the work in full swing has not been started, though some indicative activities like hawan/pooja and cleanliness drive took place with engagement of about hundred plus labours on the site.

ESCROW Account: As no ESCROW account with sufficient seed money is in place there cannot be any question of resumption of work on the project as per the commitment of the promoters /developer. Orris Infrastructure has not yet provided the details of EDC/IDC and ESCROW account for the same.

Registration of Project: As of now, the Greenopolis project is not registered with HARERA Gurugram. As informed by office, the promoters had applied for the registration in old format which was deficient in several respects and therefore they were asked by registration branch of HARERA office to apply in the new format with complete information. It is pertinent to mention that in the meeting held under the Chairmanship of Chairperson HARERA Gurugram on dated 17.09.2018 it was decided

"regarding provisional registration of the project, Hon'ble Chairperson instructed to file an application for registration in the

new format at the earliest. The application for the registration of the project shall be made jointly by the promoter and developer M/s Three C Shelters Pvt. Ltd. and co-promoter and license holder M/s Orris Infrastructure Pvt. Ltd. If need be and major requirements are met, the Authority may also consider issuing provisional registration in the interest of the project work".

However, they have not yet applied despite several reminders and our discussions in the meetings for the reason best known to them. In view of the position brought out above, it is proposed that: -

- i) Greenopolis project, Sector-89, Gurugram be provisionally registered Suo-moto by the HARERA Authority and login ID and password for the website be released to them with the instruction to upload their project profile on the site.
- ii) A notice be sent to the promoters indicating non-compliance of the Authority's decisions/orders and commitments made by them from time to time, particularly w.r.t joint application for registration by promoters, transfer of decided amount (Rs. 20 crores in first instance and Rs. 50 crores from sales proceeds of land parcel) by Three C Shelters Pvt. Ltd. for resumption of construction work, non-resumption of construction work at site as jointly committed by both the promoters and non-opening of ESCROW account by Orris Infrastructure Pvt. Ltd. for EDC/IDC and Three C Shelters Pvt. Ltd. for deposit of all collections including EDC/IDC, non-payment of consultancy fees to Currie & Brown and only 50 percent of part payment to Quantum ProjectInfra Pvt. Ltd.
- iii) In keeping with the mandate of HARERA decision dated 02.08.2018 and as mentioned in the terms of reference for enquiry, the

undersigned be permitted to circulate due diligence report via email among the stakeholders for inviting their comments within three days prior to a presentation by the consultancy firms.

iv) An all-party meeting may be convened, for discussion on the due diligence report and devise future course of action. Hon'ble Chairperson may kindly give date & time for the meeting to enable the undersigned to notify.

M.S. Turan
Dr. (Prof.) M.S. Turan 23-10-18
Commissioner Investigation
& Monitoring Officer

Hon'ble Chairperson,
HARERA Gurugram

As discussed with hon'ble chairman on 24.10.18,
the Reports may be studied by hon'ble
members and a Summary be submitted to the
hon'ble chairman on 2.11.18.

✓ Ld. / Commissioner
Investigation &
monitoring officer

✓ 25.10.18
Secretary

M.S. Turan
25.10.18

✓ Hon'ble member II
(S.K.)

Discussed with Sh. Dr. M.S. Turan,
CIMO Greenopolis Project on 25.10.18
at 4.30 p.m. Comments of Stake-holders be sought
within 10 days positively.

CIMO / Secy H-RERA: 25.10.18

The report along with Summary are added
Please Secretary H-RERA
M.S. Turan
31-10-18

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Sr. No.	Date of Meeting/hearing	Directions/Instructions/orders Issued	Compliance/Action Taken Report
1.	21.08.2018 (Meeting held under the convenorship of commissioner investigation & monitoring officer)	<p>➤ It was directed both to M/s Orris and M/s Three C to submit plan of development and budget plan for construction at the earliest for consideration and approval.</p> <p>➤ Both M/s Orris Infrastructure Pvt. Ltd. and M/s Three C Shelter Pvt. Ltd will provide details of their bank accounts/bank statements including receipts and payments in collection accounts showing balances as on 02.08.2018 and also as on date i.e. 21.08.2018.</p> <p>➤ M/s Currie & Brown(India) Pvt. Ltd. and M/s Quantum Infraproject Pvt. Ltd. will prepare check lists regarding information required by them and convey the same to the Nodal officers of M/s Orris Infrastructure Pvt. Ltd and M/s Three C shelter Pvt. Ltd. under intimation to the Commissioner Investigation & Monitoring Officer. Mr. Amit Gupta, MD of M/s Orris Infrastructure Pvt. Ltd. and Ms. Mahjabeen Tanweer of M/s Three C shelter Pvt. Ltd. assured that all information expected of them will be supplied as and when called for.</p> <p>➤ It was emphasized in the meeting that M/s Three C Shelter Pvt. Ltd. will take a lead to complete the construction work and the construction work at the site should not be stopped/slowed down for whatsoever the reasons. Representatives of M/s Three C Shelter Pvt. Ltd. assured the same.</p>	<p>No development and budget plan submitted for construction/to start the work till date.</p> <p>M/s Three C Shelters provided the details through continuous follow up and M/s Orris Infrastructure Pvt. Ltd. did not provide the details of their bank accounts till date.</p> <p>The Check list was provided to M/s Three C Shelters Pvt. Ltd. & M/s Orris Infrastructure Pvt. Ltd., but complete information was not provided by both of them, particularly; M/s Orris Infrastructure, as a consequence, several findings in due diligence report are subjected to these limitations: A case in point as non-availability of EDC/IDC information from M/S Orris Infrastructure Pvt. Ltd.</p> <p>No construction work restarted by M/s Three C shelters Pvt. Ltd.</p>

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2.	<p>24.08.2018 Meeting held under the chairmanship of Commissioner Investigation & Monitoring Officer</p>	<ul style="list-style-type: none"> ➤ It was desired in the meeting that M/s Three C Shelter Pvt. Ltd. will construct the approach road to the project at their own costs and efforts and if there is any dispute on this issue they should mutually solve as per terms and conditions of their MoU. A copy of the MoU will be sent by Mr. Amit Gupta, M.D of M/s Orris Infra. Pvt. Ltd. to the Commissioner Investigation & Monitoring officer for reference and help in resolving the issue. ➤ It was resolved that M/s Three C Shelter Pvt. Ltd. will immediately arrange Rs. 20 crores as seed money to resume the construction work so as to instil a sense of confidence in the minds of allottees and to motivate them to pay further instalments linked to stages of construction. ➤ Representative of Greenopolis RWA raised the issue of Registration of the Project in question, entry point to the project, covering of affluent drain, removal of high tension wires passing through the project. In this regard, representatives of M/s Three C Shelter Pvt. Ltd. were instructed to submit a report by 29.08.2018 to the Commissioner Investigation & Monitoring Officer about the efforts/correspondence made with authorities concerned. 	<p>No copy of MOU was sent by Mr. Amit Gupta, MD of M/S Orris Infrastructure to the Commissioner investigation & Monitoring Officer.</p> <p>No amount of Rs. 20 Crores was arranged by M/s Three C Shelters Pvt. Ltd. to resume the construction work.</p> <p>Report asked by Commissioner Investigation & Monitoring officer regarding entry point to the project, covering of affluent drain, removal of high tension wires passing through the project was not arranged/submitted by the M/s Three C Shelters.</p>
3.	<p>29.08.2018 Meeting held under the chairmanship of Commissioner</p>	<ul style="list-style-type: none"> ➤ It was agreed by Shri Vidur Bharadwaj, Director of above that they will construct at their own cost, the external road connecting the project with the main road 	<p>No report submitted by M/s Three C Shelters regarding this.</p>

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Investigation & Monitoring Officer	<p>from behind RPS School as well as internal road for which M/s Orris Infrastructure Pvt Ltd has already provided the requisite land.</p> <p>➤ Regarding transfer of money in the collection account in the bank for this project, Mr. Vidur Bharadwaj informed that they have sold a land parcel in NOIDA from which a sum of more than Rs.50 crores shall be received in the near future, and committed that this amount will also soon be transferred to the Collection Account of Greenopolis Project at Sector 89, Gurugram for an early resumption of construction work.</p> <p>➤ On being asked to start the work at site, the representatives of both M/s Orris Infrastructure Pvt Ltd and M/s Three C-Shelter Pvt Ltd. requested for an early registration of their Greenopolis Project so that they are able to resume the work and raise demand from the customers, which has fallen over due. The Secretary, HARERA asked them to apply for HARERA registration in the new format at the earliest. It was resolved that authority be requested to issue a provisional registration based on their already submitted application in the interest of flat buyers.</p> <p>➤ Regarding advance payment of fees to M/s Currie & Brown(India)Pvt Ltd. and M/s Quantum Infraproject Pvt Ltd, the Director of M/s Three C Shelter assured that they would make payment of their consultancy fees and also offer them cooperation</p>	<p>Committed amount of Rs. 50 Crores was not arranged and deposited in designated account by M/s Three C Shelters Pvt. Ltd. for the resumption of the construction work.</p> <p>No application was made in new format by M/s Three C Shelters Pvt. Ltd. for the provisional registration.</p> <p>No advance payment to M/s Currie & Brown has been made by M/s Three C Shelters Pvt. Ltd. and only 50 percent payment has been made to Quantum ProjectInfra. They have defaulted on</p>
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		<p>in getting their work completed in time.</p> <p>➤ Both M/s Three C-Shelter Pvt Ltd and M/s Orris Infrastructures Pvt Ltd. assured to submit by 31.08.2018 their bank account details to the Commissioner Investigation and Monitoring Officer as requisitioned in the HARERA decision dated 02.08.2018.</p>	<p>payments of consultancy fees despite several reminders by the firms and our endorsement on the same.</p> <p>Only M/s Three C Shelters Pvt. Ltd. submitted his account details but no-account details are provided by Orris Infrastructure submitted.</p>
4.	<p>06.09.2018 In the hearing by Authority in case no. 225/2018.</p>	<p>➤ The counsel for the respondent- Three-C Shelter Pvt. Ltd. is directed to supply list of their assets and Bank Accounts and also to submit the details of project since 2010-2018 and the amount collected from the buyers and the details of the amount withdrawn from the banks and investment thereof. Three-C Shelter Pvt. Ltd. is also directed to submit list of their properties held by them in NCR.</p> <p>➤ Orris Infrastructure is also directed to supply each information to M/s Quantum and Currie & Brown. Part arguments heard on the application of respondent M/s Orris Infrastructure Pvt. Ltd regarding stay on attachment of 10 acres of land.</p>	<p>The order has not been complied.</p> <p>The order has not been complied.</p>
5.	<p>07.09.2018 Meeting held under the chairmanship of Hon'ble Chairperson Harera, Gurugram</p>	<p>➤ Payment of EDC (External development charges) & IDC (Internal development charges) were to be paid by the license holder and the developer in their respective proportion. Irrespective of the fact as what was the arrangement in the beginning regarding payment of</p>	<p>No details of EDC and IDC are provided by M/s Orris Infrastructure Pvt. Ltd. despite one follow up mails/telephone messages in this regard.</p>

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	<p>EDC and IDC, it was agreed that both license holder and developer shall clear their dues of EDC and IDC respectively. They may make use of the recent amnesty scheme of the government for payment of EDC and IDC dues.</p> <p>➤ Keeping in view, the new provisions of law regarding ESCROW account the Orris Infrastructure Pvt. Ltd. shall open separate account for this project wherein the money to be realized from the Greenopolis project shall be deposited. As a matter of additional pre-caution, the Orris Infrastructure Pvt. Ltd. will draw funds from this account for payment of EDC and IDC and other government dues as per obligation of development agreement and not for construction in the project. Sh. Vidur Bhardwaj representative of M/s Three C Shelters Pvt. Ltd., narrated that there are only two live accounts related to this project and rest of the accounts are either dormant or have been closed down. The details of drawl and deposit in all accounts right from the beginning of the project shall be submitted separately to the financial due diligence firm as well as to the Commissioner Investigation & Monitoring officer in respect of all accounts either live or closed down. The live account shall be converted into one ESCROW account and only construction cost and government dues shall be paid out of it under intimation/permission of the authority.</p>	<p>No ESCROW account details are sent by M/s Orris Infrastructure Pvt. Ltd.</p> <p>M/s Three C shelters provide a list of their account, in which one account is still working and mentioned it as ESCROW account.</p>
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		<ul style="list-style-type: none"> ➤ To apply and pay fee to the government for BIP by M/s Three C Shelters Pvt. Ltd. with DTCP Haryana, preferably within one month. ➤ M/s Three C Shelters will start the project in full swing by 15th of October 2018. ➤ The application for registration of the project shall be made jointly by the promoter and developer Three C Shelters and co-promoter and license holder Orris Infrastructure Pvt. Ltd. 	<p>No information regarding payment for BIP is received from M/s Three C Shelters Pvt. Ltd.</p> <p>M/s Three C Shelters didn't start the construction work.</p> <p>No application was made by the developer and promoter in new format, despite several reminders.</p>
6.	17.09.2018 Meeting held under the Chairmanship of Hon'ble Chairperson Harera, Gurugram	<ul style="list-style-type: none"> ➤ As per discussion taken in previous meeting dated 07.09.2018, for transferring of the money in the collection bank account of the project, Mr. Nirmal Singh and Mr. Vidur Bhardwaj informed and committed that the decided amount will soon be transferred in the collection account of Greenopolis Project at sector-89, Gurugram. ➤ Mr. Nirmal Singh, Director of Three C Shelters Pvt. Ltd. informed that they have several properties in Gurugram/Noida which they are ready to dispose off for mobilization of funds for the project. In this regard, he also proposed to hold a meeting with Mr. Vijay Gupta, C.M.D & Mr. Amit Gupta, M.D of M/s Orris Infrastructure just after this meeting. Therefore, Hon'ble Chairperson desired that the 	<p>No amount/money was transferred by M/s Three C Shelters Pvt. Ltd. and M/s Orris infrastructure Pvt. Ltd.</p> <p>No funds was mobilized by M/s Three C Shelters and no property details were provided to the Authority.</p>

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	<p>property details of M/s Three C Shelters Pvt. Ltd. may also be provided to the Authority.</p> <p>➤ Regarding Provisional registration of the project, Hon'ble Chairperson, HARERA Gurugram instructed to file an application for registration in the new format at earliest. The application for registration of the project shall be made jointly by the promoter and developer M/s Three C Shelter Pvt. Ltd. and co-promoter and license holder M/s Orris Infrastructure Pvt. Ltd. If need be and major requirements are met, the Authority may also consider issuing provisional registration in the interest of the project work.</p> <p>➤ Mr. Amit Gupta, M.D of M/s Orris Infrastructure Pvt. Ltd. informed that CTE (Consent to Establish) certificate has been expired which needs renewal at the behest of Three C Shelters Pvt. Ltd. Hon'ble Chairperson asked the promoters concerned to comply with this requirement at the earliest.</p> <p>➤ About payment of the consultancy firms, it was confirmed by Mr. Amit Gupta of M/s Quantum Infraproject Pvt. Ltd. that his fifty percent payment has been made by M/s Three C Shelter and Mr. Ravi Bhargav, Nodal officer ensured that payment of M/s Currie &</p>	<p>No application in new format was filed by M/s Three C Shelters Pvt. Ltd and M/s Orris Infrastructure Pvt. Ltd. for provisional or regular registration, whatsoever.</p> <p>No CTE (Consent to Establish) certificate renewed by the developer/promoter.</p> <p>No further payment of consultancy firms has been made till date.</p>
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		Brown(India) Pvt. Ltd. will be made within two or three days.	
7.	06.11.2018 In the hearing by Authority in case no. 225/2018	<p>Vide previous order dated 06.09.2018, due diligence exercise w.r.t. physical as well as financial analysis was handed over to two companies, namely, (a) M/s Quantum Project Infra Pvt. Ltd. for quantity survey (b) M/s Currie and Brown for financial survey. In compliance with these orders, an interim draft analysis report from both the companies have been received by Dr. M.S. Turan, Commissioner Investigation and Monitoring Officer, appointed by the RERA Authority, Gurugram.</p> <p>A copy of the same has been sent to all the stakeholders and the directors of the Three-C Shelter Pvt. Ltd. and M/s Orris Infrastructure Pvt. Ltd. for seeking their comments and devising ways and means to complete the project.</p> <p>➤ However, comments have been received only from (i) RWA and (ii) Orris Infrastructure Pvt. Ltd. No comments have been received from Three-C Shelter Pvt. Ltd.</p> <p>In order to pursue the matter in a genuine manner, a meeting was convened by the authority on 05.11.2018 with M/s Quantum Project Infra Pvt. Ltd. and M/s Currie and Brown. A threadbare analysis of the interim report was</p>	Comments have been received.

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	<p>made, and lot of lacunae were pointed out during the discussion.</p> <p>Both the companies have been directed to complete the missing links in their surveys within one week i.e. 13.11.2018. It was categorically pointed out that the procurement of funds from the home buyers as well as from other sources i.e. banks etc. may be devised so that work at the site may be started in full gusto and earnestness.</p> <p>➤ As a matter of fact, the project needs to be registered by way of renewal of the licence from the DTCP by both the builder as well as the developer/licensee who came in the category of promoters within a week time failing which they will have to face dire consequences as per provisions of law of RERA Act. It is a second warning to them.</p> <p>➤ As due diligence exercise has to be carried by both the surveyors it was incumbent on both the license holder/promoters as well as developer to provide their list of properties within a week to the authority which too has also not been brought on record as on date.</p> <p>In case of attachment of their properties for the completion of project, the same may be utilized, as such both of them are again directed to provide list of their</p>	<p>No action is reported by the developer/promoter in this regard.</p> <p>The order has not been complied.</p> <p>No list of properties has been received in the office.</p>
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	<p>properties within a one-week time failing which they will have to face the consequences.</p> <ul style="list-style-type: none"> ➤ In the meantime, 10 acres of land already attached by the authority will remain attached till the completion of the project. ➤ Directors of both the companies i.e. Vijay Gupta of Orris, Vidhur and Nirmal Singh of 3-C Shelter Pvt Ltd. are directed to remain present before the authority 12.12.2018 to assuage the pent-up feelings of the complainants by way of starting the project as well as along with financial plan to complete the project as prime duty is to complete the project and the onus lies on their shoulders. ➤ Directors of both the companies are directed to bring details of their properties along with encumbrances, if any. ➤ It has come to the notice of the authority that some of the representatives of RWA are indulging in unnecessary and uncalled for acts against different stakeholders which may have retarding effect on completion of the project. They are directed to desist from such malpractices and to refrain from such acts. Directions as delineated above may be complied with by the next date of hearing. Case is adjourned to 12.12.2018 for further proceedings. 	<p>The Directors of M/s Three C Shelters complied with the orders to the extent that they appeared before the Authority on the date of hearing i.e. 12.12.2018 but Mr. Vijay Gupta and Mr. Amit Gupta of M/s Orris Infrastructure remained conspicuous by their absence.</p> <p>No details from M/s Orris Infrastructure received.</p>
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		<p>➤ It is further ordered that all the three named directors of the companies are debarred from leaving India without obtaining permission from the authority.</p>	
8.	<p>19.11.2018 07 days' notice for registration of the Real Estate Project "Greenopolis" developed by M/s three C Shelters Pvt. Ltd.</p>	<p>➤ Office of HARERA, Gurugram issued SEVEN DAYS notice vide their memo. No. HARERA/GGM/REP/46/RPIN/14 dated 19.11.2018 to register of the real estate project "Greenopolis" in ref. of their application regarding registration of the real estate project dated 11.04.2018, submitted under section 4 of Real Estate (regulation and Development) Act, 2016 and stated that it has been noticed that the application is in old format which stands revised by the Authority on 01.10.2018.</p>	<p>No application for registration in new format is received from M/s Three Shelters Pvt. Ltd. and M/s Orris infrastructure Pvt. Ltd.</p>
9.	<p>27.11.2018 Meeting with all stake holders of Greenopolis project regarding due diligence report under the chairmanship of Chairperson HARERA, Gurugram in the presence of members of the Authority & CMO</p>	<p>During the meeting, Hon'ble Chairperson discussed with stake holders, the findings of due diligence report and quantity survey report submitted by the Commissioner Investigation & Monitoring Officer to the Authority.</p> <p>➤ Sh. Vidur Bhardwaj, Director of M/s Three C Shelters stated that they are in dialogue with M/s Orris Infrastructure asking the latter to complete the remaining work on the project for which they (Three C Shelters) have offered as consideration some land parcels in NOIDA and other places. However, Sh. Vijay Gupta, Chairman of Orris Infrastructure</p>	<p>No information regarding completion of deal between M/s Orris Infrastructure and M/s Three C Shelters received.</p>

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		<p>stated that the deal between them has not yet been finalized.</p> <p>➤ Mr. Amit Gupta, Director of Orris Infrastructure made a statement that Orris Infrastructure Pvt. Ltd. is ready to complete the remaining work of the project and he further prayed for attachment of unencumbered assets of Three C Shelters Pvt. Ltd. to secure the money payable by them (Three C Shelters) in the project. For this he committed to submit the list of unencumbered assets of Three C Shelters Pvt. Ltd. by way of an affidavit to the Authority up to 29.11.2018(12.00 noon).</p> <p>➤ The Directors of promoters/developer's companies present in the meeting prayed that they be given time upto 29.11.2018, (12.00 noon) to submit their mutually decided development plan to resume construction on the stalled Greenopolis Project in full earnest. Accordingly, the further proceedings were deferred till 29.11.2018(12.00 noon).</p>	<p>No affidavit has been submitted by Mr. Amit Gupta, MD of M/s Orris Infrastructure Pvt. Ltd.</p> <p>No information/confirmation about mutually decide agreement received from both till date.</p>
9.	<p>29.11.2018 Meeting under the chairmanship of Chairperson, HARERA, Gurugram with directors of M/s Orris Infrastructure &</p>	<p>➤ The project will be taken over for completion of the remaining work by Orris Infrastructure Pvt. Ltd. for which Three C shelters Pvt. Ltd. will compensate Orris Infrastructure with a consideration in the form of landed property mutually agreed upon between them.</p>	<p>No information/confirmation about mutually decide agreement received from both as they committed.</p>

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M/s Three C Shelters Pvt. Ltd.	<p>➤ Both the promoters/developers will formally sign an agreement with the help of their respective counsels, Mr. Jagmohan Dang on behalf of M/s Orris Infrastructure and Mr. Ravi Shankar Nanda on behalf of M/s Three C Shelters and submit a copy of the same in the office of HARERA Gurugram for information latest by 04.12.2018.</p> <p>➤ Orris Infrastructure will commence the work in full swing on 16.12.2018 and shall complete the project within 02 years in a phased manner as mentioned in the quantity survey/due diligence report.</p> <p>➤ The Authority will provisionally register the project to facilitate in the interest of early resumption of work, and the promoter Orris Infrastructure Pvt. Ltd. will apply in the new format at the earliest for a regular registration and Three C will handover all documents/information in this respect to the Orris Infrastructure Pvt. Ltd.</p>	<p>Unsigned Draft of the settlement agreement received through email from M/s Three C Shelters Pvt. Ltd. on dated 10.12.2018, But no signed copy is yet received.</p> <p>By the letter dated 10.12.2018, M/s Orris infrastructure informed that M/s Three C Shelters has neither fulfilled its obligation to execute the agreement. They also informed that commencement of construction by M/s Orris Infrastructure is subject to the signing of memorandum of understanding by M/s Three C.</p> <p>No application received from M/s Orris Infrastructure Pvt. Ltd. or M/s Three C shelters Pvt. Ltd. for the provisional registration. However, Three C Shelters has already handed over hard copy and soft copy of documents for registration to M/s Orris Infrastructure Pvt. Ltd.</p>
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10.	12.12.2018 Hearing by the Authority, In case no. 225/2018	➤ In previous order of dated 06.11.2018, the Authority directed both developer and promoter of "Greenopolis project" to be present in person with the solution of resumption of work.	Directors of M/s Orris (Mr. Vijay Gupta and Mr. Amit Gupta) Infrastructure were absent.
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From the status report, w.r.t the compliance or non-compliance of different directions/orders/instructions issued to the promoters/developers from time to time, it is evident that they have discerned utmost disregard to all efforts and their own commitments for the resumption of work on the "Greenopolis Project" as per the spirit of a significant and well-conceived decision taken by the Authority on 02.08.2018 with the concurrence of all stake holders. They have failed: -

- (i) To apply for registration of the project despite repeated directions followed by reminders
- (ii) To open ESCROW account notwithstanding it is mandatory
- (iii) To set aside their own committed amount as seed money for resumption of work (Rs. 20 Crore in first instance and Rs. 50 Crores there after)
- (iv) Resumption of work on site firstly on 15.10.2018 as per the direction of the Authority on 17.09.2018.
- (v) To provide requisite complete information for due diligence report timely.
- (vi) Renewal of CTE (consent to Establish) certificate (by M/s Three C shelters).
- (vii) To provide information on EDC/IDC (by M/s Orris Infrastructure).
- (viii) To appear before the Authority on 12.12.2018 (Mr. Vijay Gupta & Mr. Amit Gupta of M/s Orris infrastructure Pvt. Ltd.) to assuage the feelings of allottees as per directions of the Authority issued on 06.11.2018 etc.

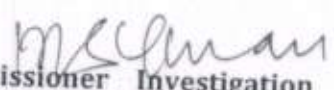
Now, as decided in the meeting held on 29.11.2018, M/s Orris Infrastructure Pvt. Ltd., represented by Mr. Vijay Gupta and Mr. Amit Gupta along with their counsel, shall resume construction on 16.12.2018 to complete the project in two years and M/s Three C Shelters Pvt. Ltd., represented by Mr. Nirmal Singh,

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Mr. Vidur Bhardwaj and Mr. Ravi Bhargav along with their counsel, shall transfer requisite land parcels to the former as a consideration. They were supposed to supply a copy of mutual agreement in this regard to the Authority & undersigned for information but the same has not been received till today, while the committed date of resumption is 16.12.2018 and next date of hearing in this case is fixed for 18.12.2018.

The above is submitted for perusal and appropriate orders, Please.

Hon'ble Chairperson


Commissioner Investigation
& Monitoring Officer 15.12.18