

Date: 02.06.2022

To,
The Honorable Chairman,
Uttar Pradesh Real Estate Regulatory Authority,
Lucknow Uttar Pradesh – 226007

Subject: Representation on Registration of a Group Housing Project situated on a plot of land purchased through registered sale deed in an Integrated Township already registered in RERA.

Ref: In the case of **Aakansha Infratech** for its proposed Project “**Life and Joy**” situated at Plot No. GH-01, Sec-1, Pocket-2, Pintail Park City, Village-Mastemau, Tehsil-Mohanlalganj, Lucknow

Respected Sir,

Most respectfully submitted for your kind consideration with reference to the above mentioned subject:

1. M/s “**Aakansha Infratech**” (hereinafter referred to as “**promoter**”) applied for registration of its Group Housing project “**Life and Joy**” (hereinafter referred to as “**said project**”) situated on Plot no. GH-01, Pintail Park City, Sultanpur Road, Lucknow (hereinafter referred to as “**said plot**”) before the Honorable UP RERA on 31/03/2022 after getting its maps sanctioned from Lucknow Development Authority.
2. The promoter purchased the said plot admeasuring 6461.069 Sq. mtr. vide **registered conveyance deed no. 10138 dated 12.04.2021** by paying requisite stamp duty.
3. The said project is situated on said plot which is part of an integrated township by the name & style of “**Pintail Park City**” in its Phase I **i.e. Pintail Park City (Phase-1)** for which M/s **Pintail Infracon LLP** got the layout plan approved on 26/09/2017 vide permit no. 42758 from Lucknow Development Authority (LDA) and took RERA registration under “**Plotting Scheme**” with no. **UPRERAPRJ15457** dated 16/03/2018.
4. The project **Pintail Park City (Phase-1)** is a township project wherein **the promoter** M/s **Pintail Infracon LLP** has got various types of developments registered under RERA along with **development of common area pertaining to township to provide access roads, sewerage (STP), park**

and open spaces, LPG Store, electricity connections etc. to the various plot owners of township, primarily comprising of following :

- Commercial and Residential plots;
 - Duplexes and Simplexes Villas;
 - Two Club Houses/Community Buildings;
 - Residential Sports Center;
 - Five Group Housing projects;
 - Education Facilities (Nursery, Primary, High School, Inter Collage, Degree Collage);
 - Child welfare and maternity homes;
 - General Hospital and Health center;
 - Police Chowky;
 - Convenient shops etc.
5. That **M/s Pintail Infracon LLP** has got sanctions and approvals from all competent authorities for development of township **along with respective common areas** and accordingly is developing the same. The said township has 5 Group Housing Plots which are being sold to various buyers for development of projects on the same after obtaining necessary approvals.
6. The Honorable Authority while considering the application of registration of the project **“Life and Joy”** has raised the following query in its notice dated 12th May 2022:
- “The area for which registration is applied is already registered with UP RERA under project name: Pintal Park City PH1 plot (UPRERAPRJ15457). The Project registered on 16th March 2018. Clarification on the same is required.”**
7. In response to the above query we wish to bring before you, for your kind consideration, certain important facts and provisions of law through which we shall demonstrate that **both projects i.e. the development of township by Pintail and development of residential group housing project on one of the plot of township are different and the project “Life and Joy” is eligible to be registered under RERA**, and can be registered on the plot of land sold by Pintail Infracon LLP in its township which is registered under RERA.
8. In this respect we wish to highlight section 3 of RERA, 2016 which states that: **“No promoter shall advertise, market, book, sell or offer for sale, or invite persons to purchase in any manner any plot, apartment or building, as the case may be, in any real estate project or part of it, in any planning**

area, without registering the real estate project with the Real Estate Regulatory Authority established under this Act". The said section also mandates in Sub Section (2) that all projects except those in which land area does not exceed 500 sq. mtr. or number of units does not exceeds 8, shall be liable to registered.

9. Section 2(zn) defines "real estate project", which means the **development of a building or a building consisting of apartments**, or converting an existing building or a part thereof into apartments, or the **development of land into plots or apartment**, as the case may be, for the purpose of selling all or some of the said apartments or plots or building, as the case may be, and includes the common areas, the development works, all improvements and structures thereon, and all easement, rights and appurtenances belonging thereto;
10. **A perusal of above stated sections and their conjoint reading depicts that every promoter has to register a real estate project before the respective RERA before any marketing or sale activity. The definition of real estate project specifies that development of a building shall be a real estate project, development of land into plots shall be a real estate project and development of land into apartments shall also be a real estate project.**
11. In the present case development of integrated township by Pintal and development of residential group housing on one of the plot purchased from such township from Pintal by the promoter Aakansha Infratech **are two different projects and both are equally liable to be registered being real estate projects with different purposes developed by different promoters.** Where the project by Pintail is a project of **development of land into plots** the project of Aakansha Infratech is a **project of development of land into apartments.**
12. It is important to mention here that Pintail has got the entire township approved from LDA vide permit no. 42758 on 26.09.2017 which includes various types of plotting. The approvals of Pintail can be verified from the website of UPRERA. It has not taken RERA registration of any Group Housing Project on any plot of land situated inside the said township. Whereas M/s Aakansha Infratech has applied for RERA registration for a Group Housing Project on the plot specifically marked for group housing projects situated inside the township and accordingly got the **building plans approved vide Permit no. Group Housing/03808/LDA/BP/21-22/0176/17122021 dated 18/02/2022 from Lucknow Development Authority (LDA) for developing 4 multistory towers with a total**

inventory of 193 flats which itself is a **real estate project**. The maps clearly allows to construct the group housing project over the said plot of land.

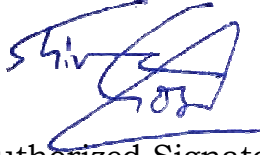
- 13.M/s **Pintail Infracon LLP** is developing an integrated township of 192.72 Acer (approx.), whereas promoter's project is proposed on a small portion of land of 1.6 Acer. Pintail got the RERA registration of its project for development of township. Accordingly it has developed the plot of land and sold the same to Aakansha Infratech via **registered conveyance deed no. 10138 dated 12.04.2021** by paying requisite stamp duty of Rs. 74.27 Lakhs and accordingly getting it registered from RERA for selling the units being developed in the same.
- 14.**It is important to mention here that it is not the case that the applicant in this case is seeking two RERA numbers for the same land. In fact nowhere in the RERA Act any description has been made to consider a project on the basis of land. The definition of Real Estate Project is very clear which has been elaborately dealt with herein above. The said definition describes the activities which shall construe to be development of a real estate project which in this case is "conversion of land into apartments".** The provisions of Section 3 of the Act deal with registration of **project** and the word **Project Land** is nowhere mentioned in the section requiring registration.
- 15.Further section 4 of the RERA, 2016 has laid down the procedure for registration and requisite documents to be made available for obtaining registration. Promoter has applied for registration by providing all the documents mentioned in the provisions of the Act like authenticated copy of the approvals and commencement certificate from the competent authority, legal valid title of land, projects launched by him, in the past five years, declaration supported by an affidavit stating requisite particulars, the number, type and the carpet area of apartments for sale in the project and all the other information as asked in the registration.
- 16.Promoter has filed application for registration diligently within four corners of law after seeking all appropriate approvals and complied with all the provisions of the Act throughout registration process. Promoter has invested more than a year in procurement of land, taking approvals and NOC's from various departments and invested its 11.69 Cr rupees before even taking a single penny from the market.
- 17.On the basis of above it is humbly submitted that the **applicant in this case is a Promoter under RERA which is developing a Real Estate**

Project as determined under RERA who cannot book, market or sale the units in the project without obtaining RERA registration and thus it is requested to look into the gravity of the matter, take a liberal approach towards promoter who wish to comply with all provisions of the Act and accordingly approaches for registration before Authority and help promoter to sell its project in which he has invested his time, value and money by allowing it to be registered under RERA. **The honorable authority is requested to kindly distinguish two projects which are mutually exclusive and independent of each other and liable to be registered under RERA.** This shall not only benefit the promoter, give monitoring power to the Honorable Authority to control the development of a real estate project but also safeguard the interest of home buyers who shall eventually take the flats in the said project.

Kindly review our project application considering the above submissions and oblige the project with the registration no.

Yours faithfully

For **M/s. Aakansha Infratech**

A handwritten signature in blue ink, appearing to be 'Shiv' followed by a stylized flourish.

Authorized Signatory

Place: Agra