

Acquisition Checklist for Commercial Real Estate Assets in Gurgaon, Haryana

1. Clear Land Title/ Ownership: Must have clear title for the land ensuring property is clear, marketable and it traces any charges or encumbrances created on the property and its present status, the chain of holdings, transfers over a period and check any dispute on the ownership of the property. Land Registration Documents and Encumbrance Certificate from Sub-Registrar office are needed.
 2. Legal Search report of the land and due diligence for any claims or liens or restriction on the title. (Land Records, Patta, Jamabandi, Mutation etc.)
 3. Land survey as per the Government records and a third-party survey.
 4. Physical possession of the property or the possession rights.
 5. Scrutinizing the state jurisdictions, legislations and litigations.
 6. Acquisition Process: In India the law of land acquisition restricts the alienation rights of the original owner. While conducting due diligence, it is pertinent to ensure that the real estate property is not under any acquisition process, because, if any transaction is executed on the property which has been acquired by the government, the transaction shall be treated as void ab-initio and cannot be enforced legally.
 7. Land Clearance Certificate for Commercial/ Mixed land use. The land use plan for land area is to be notified by the State Ministry of Urban Development after the same is approved by local body.
 8. Zoning Plan Approval/ Zonal Clearance: The revenue department provides the ownership certificate for building permit under the provisions of Local Body Acts. The state town planning checks regarding city development with the planning board and forwards the proposals to the various other concerned authorities in the city as required for issue of case specific approvals/ NOC before granting zoning approval. As per data collected by CII on the overall approvals required in most of the housing projects in Delhi, Haryana, Noida / Greater Noida, Rajasthan, Punjab and Maharashtra, it has been observed that as per the following table, 51 approvals are required by housing projects that vary from approvals required for land to approvals for putting in place basic amenities like electricity, water, connecting roads, etc.
 9. Building Approval: Certificate of Approval from authority for sanction of building plans/ building permit under the provisions of Building Byelaws, Master plan and Local Body Acts. The Building approval comprises of the building plan and the layout approval for the construction of the building.
- A) Building Plan: Building plan ensures that building complies with building laws.
- B) Statutory requirements as per the state legislation.
- C) Layout approval: Also need FAR approval certificate
- Approved Layout Plan is as per approved FAR (Floor Area Ratio) or FSI (Floor Space Index).
 - Constructing building on unapproved layout will not be given permission to be occupied or such layout plots will be treated as unlawful and exemplary penalties will be levied as per Municipal Laws.
 - Land which is sub-divided into plots without permission from authority is considered illegal or

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unapproved layout.

- No facilities such as roads, drainage, street lighting will be extended in such areas.

D) Intimation of Disapproval

Intimation of Disapproval or IOD basically states conditions that needs to be complied with during different phases of Under Construction Project. Intimation of Disapproval in some places is also known as Building Permit. These conditions are normally divided into 3 parts:

- (i) Immediately before commencement of construction work
- (ii) During the construction period
- (iii) After the construction is completed

E) Commencement Certificate: It is the permission to start construction from local development authority. Please note that the builder cannot lay the "Foundation Stone" & "Build Boundaries" in the absence of these 2 critical documents.

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10. Environment Clearance obtained from SEIAA, Haryana

11. License No. 56 by DGTCP (Town & Country Planning Department)

12. Airport Authority of India (AAI)

13. Haryana State Pollution Control Board CTE (Consent to Establish)

14. HUDA NOC

15. HRERA (Haryana Real Estate Regulatory Authority) Approval

16. Complete Floor Designs for all uses (Residential/ Retail/ Office Space/ Multiplex/ Hotel/ Parking, etc)

17. Details of all mandatory Fee and deposits relating to the project.

18. Ground Coverage Percentage

19. Proposed selling rates of all separate uses

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Financial Aspects:

- Financial Planning
- Projections and Budgeting
- Financial Feasibility study
- Cash flows
- Development strategy including financial objectives (Yearly)
- Equity and controlling stake decisions