



HARYANA REAL ESTATE REGULATORY AUTHORITY, PANCHKULA.

Mini Secretariat (2nd and 3rd Floor), Sector-1, Panchkula.

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Extract of the resolution passed by the Haryana Real Estate Regulatory Authority, Panchkula in its meeting held on 05.02.2025.

Item No. 278.38

Complaint dated 13.12.2023 received from the office of Deputy Commissioner, Rewari regarding M2K County clarification/noncompliance with RERA Act and registration of M2K County.

Promoter: Elite Homes Pvt. Ltd.

Project: Elite Homes Pvt. Ltd., Registered address at Shop No. 30, M2K Mall, 16, Mangalam Place, Dist. Centre, Sector-3, Rohini, West Delhi, New Delhi-110085 and address where books of account is maintained: 4th Floor, M2K Corporate Park Block N Mayfield Garden, Sector 51, Gurugram, Haryana-122003.

Present: Adv. Hemant Saini on behalf of the promoter

1. An email was sent by Mr. Prabhsharan Singh on 24.11.2023 alleging that:
 - a. The developer (Elite Homes Pvt. Ltd.) is charging sinking fund without giving any rationale,
 - b. The developer has not obtained RERA registration even when it is an Ongoing Project, therefore not complying with RERA provisions.
2. After perusal of record, it is found that there is no project registered with HRERA, Panchkula in the name of "M2K County". On 10.01.2024, the Authority decided that complainant be asked to submit a copy of license number and date of issue of license granted by DTCP Haryana to M/s Elite Homes Pvt. Ltd who are developing the colony by the name of M2K County, Dharuhera.
3. Vide letter dated 21.02.2024 the complainant had submitted:
 - i. DTCP Haryana granted part completion certificate dated 31.07.2017 for an area measuring 52.338 acres out of total licensed land measuring 74.581 acres bearing



- license no. 189 of 2007 dated 16.06.2007, granted for the development of a residential plotted colony in sector 5 & 7A, Dharuhera, Rewari;
- ii. The license no. 189 of 2007 was renewed upto 15.06.2021 on 27.08.2019 and the layout plan was revised on 07.07.2022;
 - iii. The promoter is charging sinking fund over and above the maintenance charges from the buyers whereas the project is still under developed;
 - iv. License no. stated on the website of the promoter does not match with the original licenses;
 - v. The piece of land/plot purchased by complainant is still pending for registration;
 - vi. The complainant requests for thorough investigation into the discrepancy and request an appropriate action therewith to resolve the issue of the sinking fund payment/demand raised by developer.

4. License no. 189 of 2007 dated 16.06.2007 was granted by DTCP for setting up of a plotted colony on land measuring 74.581 acres in sector 5 and 7A Dharuhera, District Rewari. Part completion certificate for 52.338 acres has been granted by the DTCP on 31.07.2017. The licensee in this case is Heavenly Resorts (P) Ltd. Shop No. 30, M2K Mall, 16 Mangalam Place, District Centre, sector 3, Rohini, New Delhi.

5. The complainant vide letter dated 28.06.2024 and 02.07.2024 has stated that *the developer is liable to file for RERA registration as it is still incomplete Project as on 31.07.2017 and the promoter cannot ask for charges under the head of sinking funds. The promoter requests to investigate the matter and update them on the outcome so as to offer relief to them as a suffering home buyer.*

6. On 11.12.2024, complainant stated that promoter has not got registered the project as no completion certificate has been issued and promoter is charging sinking fund over and above the maintenance fund. Mr. Vikas Aggarwal, Director of company stated that license was issued in the year 2007 for 74.581 acres and additional license of 0.98 acres was also issued. Out of the licensed area 5.356 acres was got migrated and it was got registered vide Reg. No. 302 of 2022. An area of 5.139 acres was got registered vide Reg. No. 227 of 2021. Common area 1.398 acres was also got registered. Part completion was issued in July 2017. Rest of the area was not got registered with RERA Panchkula.

7. Authority observed that as per Newtech judgement of Hon'ble Supreme Court and provisions of RERA Act, 2016, whole area of project less registered area requires to be registered being ongoing project. It is continuous violation of Section-3-4 of RERA Act, 2016 since 2017. Authority decided as under:

- i. Further sale in the project is banned of unregistered area.



- ii. No conveyance deed is to be executed.
- iii. Show cause notice under Section-35 read with Section-59 of RERA Act, 2016 be issued to promoter as to why 5% penalty of the project cost may not be imposed.
- iv. Promoter should submit complete chart of licensed area, area registered, etc. with full details.
- v. Promoter should apply for registration of unregistered area within a period of 15 days.
- vi. Complainant is directed to file regular complaint for his personal grievances.

8. The show cause notice was issued to the promoter on 28.01.2025.

9. The counsel appearing on behalf of the promoter states that he will file his Vakalatnama in the Authority today and that they have submitted four registration applications in compliance of the orders of the Authority and reply to show cause notice will be submitted shortly. Further, the counsel requests for a short date.

10. The Authority directs the promoter to file their reply one week before the next date of hearing.

11. Adjourned to 12.03.2025



True copy

Executive Director,
HRERA, Panchkula

A copy of the above is forwarded to CTP, HRERA Panchkula, for information and taking further action in the matter.

CA (Monika)