



HARYANA REAL ESTATE REGULATORY AUTHORITY, PANCHKULA.

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

Telephone No: 0172-2584232, 2585232

E-mail: officer.rera.hry@gmail.com, hrerapkl-hry@gov.in

Website: www.haryanarera.gov.in

Extract of the resolution passed by the Haryana Real Estate Regulatory Authority, Panchkula in its meeting held on 12.03.2025.

Item No. 281.14

Continuation of registration of project for third, fourth and fifth year under Section 7(3) of the Act.

Promoter: Rise Projects Pvt. Ltd.

Project: "Rise Sky Bungalows" a Group Housing Colony on land measuring 2.64 acres situated in Sector 41, Faridabad, Haryana.

Reg. No.: HRERA-PKL-FBD-267-2017 dated 09.10.2017 valid upto 08.10.2019. First extension was granted upto 08.04.2021 and second extension upto 08.07.2022.

Temp ID: RERA-PKL-549-2019.

1. Rise Projects Private Limited has applied for third, fourth and fifth extension upto 08.07.2025.
2. The Authority on 24.01.2024 decided that audit of project be got conducted from a CA firm empanelled by Authority and a public notice in newspapers be got published for inviting objection from general public. After that extension request will be considered.
3. In compliance of above orders, M/s Baldev Kumar & Co. were appointed as auditor to conduct the audit of the project vide letter dated 20.03.2024. Public notice was published in newspapers on 02.03.2024, however no objections have been received till date.
4. M/s Baldev Kumar & Co. submitted its report on 21.05.2024 which was considered by the Authority in its meeting held on 29.05.2024 and a copy of audit report was sent to the promoter on 13.06.2024. The promoter vide reply dated 12.09.2024 had submitted comments on Audit report and informed that the company had opened new RERA Bank Accounts on 26-06-2024 with IDFC BANK SECTOR 63 NOIDA (UP) for the project. The bank details are as under.

S. No	PARTICULARS	ACCOUNT NO.
1	COLLECTION ACCOUNT	0200102 0000 37590



2	RERA ACCOUNT	0200102 0000 37581
3	CURRENT ACCOUNT	0200102 0000 37572

5. The Authority on 06.11.2024 decided to grant third- and fourth-year extension up to 08.07.2024. Authority also decided to issue show cause notice under Section-35 for violating Section-4(2)(I)(D) of RERA Act, 2016 as to why penalty of Rs. two lacs may not be imposed for not maintaining RERA account.
6. Bank account details submitted by promoter be taken on record and uploaded on web portal of Authority. Corrigendum be issued. Promoter should get a public notice of size 3" x 3" published in two leading newspapers under intimation to Authority. The matter was adjourned to 06.11.2024.
7. However, since the certificate for 2nd extension lapsed on 08.07.2022 and the promoter had applied for 3rd extension on 01.08.2022, therefore he is also liable to pay the late fee of Rs 3,25,660/- and penalty of Rs. 16,285/- as per resolution dated 07.08.2024. The certificate for third and fourth year was not issued since the promoter has to pay the late fee and penalty. Newspaper clippings have also not been submitted by the promoter.
8. The above was last heard by the Authority on 08.01.2025, wherein the Authority decided that promoter should deposit late fee of Rs.3,25,600/- and penalty of Rs. 16,285/- as per resolution of Authority dated 07.08.2024 so that extension is granted. Promoter should also apply for further extension which has become due on 08.07.2024.
9. With regard to the above, the promoter vide reply dated 18.02.2025 has sought recall of the directions passed by the Authority which mandates late fee payable for filing extension application for project registration stating that it suffers from patent illegality and vitiated by error apparent on the face of record. They submitted that they had applied for first extension which was granted upto 08.04.2021 and second extension was granted upto 08.07.2022. The Promoter had applied for third, fourth and fifth extension cumulatively upto 08.07.2025 which is pending consideration before the Authority. Pertinently the Promoter has successfully paid the requisite fee for the aforesaid extensions which is recorded in the resolutions passed by the Authority in the Suo Moto complaint no. 1160 of 2021 on different dates of hearing. The Authority has placed its reliance to the self-authored resolution dated 07.08.2024 and had imposed late fees and penalty on the promoter. The Promoter had applied for 4th extension on 18.12.2023 and the promoter has also applied for 5th extension and in lieu of it the fees was duly paid on 22.05.2024. However, the Authority in its meeting held on



07.08.2024 has laid down the proposal and setup criteria for imposition of late fees and penalty on applications for extension filed beyond a certain period of time. They submitted that the resolution dated 07.08.2024 does not have operative retrospectively by imposition of late fees until there is an express provision to make its effect retrospective or that the operation thereof is retrospective by necessary implication. The application of the resolution dated 07.08.2024 would be prospective as retrospective application thereof would result in prosecuting and double jeopardising the promoter which is against the spirit of Article 20(2) of the Indian Constitution and is impermissible under law and the same may also entail false recoveries and imposition of incorrect penalties to be made. Therefore, the resolution dated 07.08.2024 cannot be made applicable on the Promoter as the application for extension of 3rd, 4th and 5th extension was submitted along with its requisite fees before coming into effect of the said resolution and the said resolution is clearly prospective in nature i.e., to be applicable in cases where the application for project extension are filed after the resolution dated 07.08.2024. In light of the submissions made in the foregoing paragraphs, the promoter requested to recall clause 6(i) and 7 of order dated 08.01.2025.

10. After considering the reply of the promoter, the Authority is of the view that as per RERA Act, 2016 and rules framed thereunder, the promoter has to apply for the extension of real estate project, 3 months prior to the expiry of validity of registration. In the present case, the promoter had applied for further continuation of registration after lapse of existing extension. The application for extension is under still consideration before the Authority because of compliances to be made on part of the promoter. In the meantime resolution dated 07.08.2024 was passed by the Authority. Therefore, the promoter is liable to pay late fee and penalty. The Authority grants one last opportunity to the promoter to deposit late fee of Rs.3,25,600/- and penalty of Rs. 16,285/- as per resolution of Authority dated 07.08.2024 so that extension is granted.


11. Adjourned to 28.05.2025.



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 (Shyblam)

19/4/25