



HARYANA REAL ESTATE REGULATORY AUTHORITY, PANCHKULA.

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Extract of the resolution passed by the Haryana Real Estate Regulatory Authority, Panchkula in its meeting held on 07.05.2025.

Item No. 286.15

Proposed modification of total number of apartments by way of TDR.

Promoter: Jotindra Steel and Tubes Limited.

Reg. No.: HRERA-PKL-FBD-171-2019 dated 18.10.2019.

Temp ID: 727-2019.

1. The DTCP, Haryana vide orders dated 04.03.2025, has observed as under: -

The policy dated 24.04.2023 was framed to address several inter-se coordination issues in the implementation of the statutory provisions of the authorities under the Haryana Development and Regulation of Urban Areas Act 1975, Real Estate (Regulation and Development) Act 2016 and Haryana Apartment Ownership Act 1983. The policy allows for phasing in a licensed colony or part of it, whether registered or not with RERA. The relevant clause 1.1 (i & ii) prescribing the norms & parameters for phasing is reproduced here under: -

- i. such part of colony, which either stands completed/occupied or stands registered with RERA, may be indicated as 'completed/ registered phase;*
- ii. where benefit of additional FAR, under TOD/DR or any other applicable policy, over such 'completed/ registered phase' is sought to be availed, requiring fresh RERA registration, such 'completed/ registered phase', may also be allowed to be designated as an independent phase(s);*

The department has been receiving requests for approval of phasing plans for fresh as well as RERA-registered projects. The department has approved few phasing plans containing registered/ completed phases along with fresh phases as per clause 1.1(i &



ii) of the policy. However, RERA authorities have sought clarification with regard to phasing plan of completed/ registered phases.

To avoid any confusion in future, it is hereby ordered that in those cases where the phasing plan allows alteration/modification in the phase already registered with RERA, the applicant shall furnish a prior consent/NOC of RERA allowing such alteration in the registered phase.

2. In view of the above order dated 04.03.2025, the promoter vide letter dated 18.03.2025 has submitted that they have been granted registration No. HRERA-PKL-FBD-171-2019 dated 18.10.2019 for an Affordable Group Housing Project -Shree Homes Phase II, situated in Sector - 45, Faridabad for a total of 696 Apartments. Now, they have proposed the following modifications under the said registration:

- a. In 8 Towers the total number of apartments 660 apartments have been reduced to 552 apartments by reducing the number of floors in the same.
- b. In 2 Tower the total number of apartments have been increased from 12 to 138 by increasing the height of the same.
- c. 3 Towers have been completely removed and the total apartments have been adjusted in 10 towers instead of 13 towers with total number of apartments to be 690 instead of 696 apartments.
- d. Further, they propose to add a maximum of 352 apartments to be built in 4 towers, i.e., by addition of another 1 tower, thereby totalling 14 towers in place of 13 towers by way of additional TDR, subject to availability of TDR.

3. The promoter further submitted that there is no adverse change/ modification in the quantum of "Green Area" as well as the "Ground Coverage" The QPR for the project has been filed till 30.09.2024 and they are under process to submit the compliance for quarter ending Dec.'24. The promoter has already been granted the Occupation Certificate for Phase I of the project under RERA Registration No. HRERA-PKL-112-2019 dated 11.04.2019 and compliances for the same have already been submitted before the Authority. In view of the aforesaid order dated 04.03.2025 passed by DTCP, Haryana, the promoter has sought in-principal consent/NOC for the aforesaid modifications. They further mentioned that once the entire approvals are granted, they shall submit formal application for registration of the third phase of the project with additional apartments before the Authority, prior to creation of any third-party rights.



4. The matter was considered by the Authority on 26.03.2025 wherein the same was adjourned, since it required detailed deliberations.

5. After consideration, the Authority is of the view that the policy dated 24.03.2024 allows the Department for phasing in licensed colony or part of it, "Whether registered" or not with RERA. Moreover, preamble of the RERD Act, 2016 states that it is *an Act to establish the Real Estate Regulatory Authority for regulation and promotion of the real estate sector and to ensure sale of plot, apartment or building, as the case may be, or sale of real estate project, in an efficient and transparent manner and to protect the interest of consumers in the real estate sector.* Meaning thereby, Authority has no mandate to take upon itself the function of DTCP Haryana. Authority is a regulator to ensure sale and purchase in real estate project in an efficient and transparent manner and to protect the interest of allottees. However, the technical mandate has to be looked by the competent Authority who issued license after considering the financial and technical documents provided by the promoter. The sovereign function to issue license is of DTCP Haryana and act of phasing of license is a step forward of this sovereign function. Furthermore, as per Explanation to Section 3 of RERD Act, 2016, where the real estate project is to be developed in phases, every such phase shall be considered a standalone real estate project and the promoter shall obtain registration under this Act for each phase separately. In view of this provision, it is clear that the phasing is approved by the competent Authority i.e., DTCP, Haryana and RERA being a regulator does not have a mandate to give NOC for the aforesaid modifications. There is nothing on record to show that phasing was done by department in the present case and there is no documents proving that alteration/ modification is allowed by DTCP Haryana, Therefore, it is beyond the mandate of Authority to issue NOC in this regard and hence, the request of the promoter for modification of total number of apartments by way of TDR is hereby rejected.

6. Disposed of.



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.

LA (Secretary)

5/6/25