



**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 24.01.2024.**

**Item No. 239.47**

**Continuation of registration for first and second year of project.**

**Promoter: Akashganga Township Pvt. Ltd.**

**Project: Residential Plotted Colony on land measuring 31.193 acres falling in the revenue estate of Village Ratia, Sector- 6, Fatehabad.**

**Reg. No: HRERA-PKL-FTB-192-2020 dated 05.03.2020 valid upto 31.10.2020.**

**Temp Id: 688 of 2019.**

1. This matter was heard by the Authority in its meeting held on 19.06.2023 vide item no. 216.06 whereby promoter was asked to submit following documents:

- i. Demarcation and zoning plan, service plan estimates and environment clearance, if required.
- ii. Architect and engineer certificate.
- iii. Audit of project be got done from empanelled CA firms as well as notice in newspapers be got published for inviting objections from general public.
- iv. Resolution plan for completion of project.

2. Promoter vide reply dated 22.08.2023 has submitted the following :

- i. Copy of revised layout and zoning plan.
- ii. The C.A certificate dated 15.07.2023 which states that against the total estimated cost of the project of ₹2524.50 lakhs, a sum of ₹2481.09 lakh has already been incurred upto June 2023 and a sum of ₹43.41 lakh is yet to be incurred. Further, the



remaining balance in escrow account at the end of quarter April-June 2023 is ₹19.54 lakh.

- iii. An architect certificate dated 07.07.2023 which states that all infrastructure works have been carried out by the promoter till June 2023. The promoter has applied for completion of services to the DGTCP on 11.01.2023.

However, copy of demarcation plan, resolution plan for completion of project has not been submitted yet.

3. M/s S.P. Chopra & Company vide letter dated 11.09.2023 was appointed to conduct audit of the project. However, the audit has not been submitted by the C.A. yet.

4. A public notice has been issued in the Punjab Kesari and the Hindustan Times dated 26.08.2023 in both Hindi and English language and objections were allowed to be filed in the registry of the Authority before 14.09.2023. However, in regard to the public notice issued by the HRERA, Panchkula, objections have been raised by Sh. Rajinder Singh Chahal and the same were received by the Department on 13.09.2023.

5. When the matter was heard by the Authority in its meeting held on 28.08.2023 vide item no. 224.06, the Authority had asked the promoter to intimate it whether consent of 2/3<sup>rd</sup> allottees was obtained or not of the revised plan.

The Authority had also observed that there is a inconsistency between the certification of CA and that of Architect and Engineer. The report of CA dated 15.07.2023 mentions that remaining works upto June 2023 of Rs 43.41 lacs are to be executed whereas the Architect and the Engineer certifies that all infrastructural works have been carried out (dated 07.07.2023).

6. The Authority has also questioned that how the promoter has applied for completion when works of Rs. 43.41 lacs are yet to be executed and also asked the promoter to explain the position.

7. The Authority has also directed the promoter to provide a copy of approved estimates and status of renewal of license. The matter was adjourned to 30.10.2023.

8. The matter was last heard by the Authority in its meeting held on 30.10.2023 vide item no. 231.39 where "*After consideration, Authority decided that a copy of objection*



*received from Sh. Rajinder Singh Chahal be sent to promoter for comments and directed the promoter to intimate whether consent of 2/3<sup>rd</sup> allottees was obtained or not of revised plan as decided in the meeting held on 28.08.2023. Status of renewal of license be also submitted."*

The matter was adjourned to 08.01.2024.

9. A copy of objection vide letter dated 29.11.2023 was sent to the promoter as per orders of the Authority on 30.10.2023 and the promoter submitted the following against the objections raised by Sh. Rajinder Singh Chahal:

1. M/s Akashganga Township Private Limited was granted License No. 224 of 2007 dated 19.09.2007 by Director, Town & Country Planning, Haryana for setting up a residential plotted colony over an area measuring 26.218 acres at Sector-6, Ratia. In addition to 26.218 acres of land, the Company in collaboration with M/s Dehradun New Town Project Private Limited applied for license for an additional land of 4.975 acres and accordingly, the layout of the township was also proposed to be revised. As per the policy of DTCP, objections for change in Layout Plan of the township were invited by way of publishing advertisements in newspapers and sending notices to plot holders. After fulfilling all necessary conditions. License No. 19 of 2016 dated 11.11.2016 for the additional land was granted and revised Layout Plan of the township was approved by the competent authority. Also, the layout/building plan of commercial area plot is not approved and therefore, no such promise of providing 20 Commercial plots was ever made and denied. It is also pertinent to mention that as per the revised layout plan, commercial area plot was merely shifted to a different location and not removed as alleged by the Complainant.

On basis of the above facts, the allegation with respect to conversion of commercial land into residential land without seeking the consent of the allottees is without basis.

2. All services like roads, sewerage, water supply, street lights, security etc are laid/ provided in the township.

3. Sewerage Treatment Plant (STP) is commissioned at the township and is operating efficiently. Regarding the waste water flow, we would like to clarify that it was a result of heavy rains and was drained out immediately.

4. As mentioned in Point No. 1 of this letter, the Company in collaboration with M/s Dehradun New Town Project Private Limited was granted License No. 19 of 2016 dated 11.11.2016 for an additional land of 4.975 acres and hence, the allegation is denied.

5. The Complainant himself, has mentioned that the developer sought an additional license of 4.975 acres for setting up a residential colony. It is important to note that Commercial area, community sites etc. are all part of the residential colony. The



layout and location of commercial area were determined as per the duly approved revised layout of the township by hon'ble DTCP, Haryana.

6. Yes, an appeal is presently under consideration before the Haryana Real Estate Appellate Tribunal, Chandigarh filed by the present complainant Rajinder Singh Chahal and the site survey can be conducted accordingly.

7. We would also like to highlight that the services provided are maintained by the developer regularly. Electricity bills for street lights, water motor bills, payment of salaries to security staff, gardeners and other sub charges are all regularly paid by the Company. The same complainant Rajinder Singh Chahal had filed a Complaint No. 436 of 2019 before Hon'ble authority HRERA, Panchkula on similar grounds which was dismissed by the authority on 08.08.2022. The Complainant keeps raising these bald allegations to wriggle out his obligation of paying maintenance amount, which till date are being paid by the company only It is also pertinent to mention that the Complainant's association has also collected welfare charges from the plot holders at the rate of Rs. 500/- per month without intimating the Company and in fact, neither ever deposited the same to the Company nor utilized it for the welfare of the colony. Furthermore, the complainant has a history of not paying his electricity bill and in 2017, when individual meters were allocated, the complainant expressed dissatisfaction as he was now required to bear the cost of his own electricity bill. Consequently, he started filing baseless complaints to avail unjustified benefits from the Company. The complainant is a habitual complainant and engaged in making false allegations against the company.

8. In reference to the resolution item No. 231.39 passed by HRERA Authority, Panchkula meeting held on 30.10.2023, the promoter submitted the following details vide reply dated 05.01.2024:

**Consent of Allottees in respect of change in layout plan:**

M/s Akashganga Township Private Limited was granted License No. 224 of 2007 dated 19.09.2007 by hon'ble Director, Town & Country Planning, Haryana for setting up a residential plotted colony over an area measuring 26.218 acres at Sector-6, Ratia.

In addition to 26.218 acres of land, the Company in collaboration with M/s Dehradun New Town Project Private Limited applied for license for an additional land of 4.975 acres and accordingly, the layout of the township was also proposed to be revised.

In adherence with the DTCP policy, objections regarding change in Layout Plan of the township were invited through newspaper advertisements and sending individual notices to plot holders.



Upon fulfillment of all conditions of the Hon'ble DTCP Authority, including seeking objections from 2/3 of the allottees, License No. 19 of 2016 dated 11.11.2016 was granted and revised layout plan of the township for the additional land of 4.975 acres was approved.

### **Status of Development Works**

As questioned in Point No. 7 of the resolution, we would like to inform that all development works of the township have been completed. The CA report dated 15.07.2023 submitted by us shows remaining works of Rs. 43.41 lacs as per the below calculation:

#### **Infrastructure Works of Rs. 4.73 lacs:**

This amount is payable to the contractor hired for installation of Sewerage Treatment Plant upon successful completion of 3-year period, as per the payment terms.

**Other Costs of Rs. 38.68 lacs:** This amount includes IDC of Rs. 30.53 lacs which was paid on 01.09.2023 and administrative costs of the Company including payment of salaries till Completion Certificate is received.

**Status of License:** Renewal of license is applied for. Copy of license fee payments are enclosed.

**Service Estimates:** A copy of approved service estimates of the township is enclosed.

10. Suo Motu complaint no 3093 of 2022 was registered for not seeking extension of registration. Promoter vide letter dated 31.05.2023 applied for first extension u/s6 and second extension u/s 7(3) of the RERA Act, 2016. If considered by the Authority along with the covid period of a months, RC would be valid upto 31.07.2023.

11. Authority observes that third year extension of project has also become due. Hence, Authority decided as under:-

- i. Promoter should apply for third year extension also by depositing requisite extension fee of Rs. 3,51,679/-.
- ii. Due to change of layout plan, consent of 2/3<sup>rd</sup> allottees is required as per RERA Act, 2016.
- iii. CA firm M/s SP Chopra and Co. be issued reminder by Project Section for early submission of audit report.



12. Adjourned to 20.03.2024.



True copy

Executive Director,  
HRERA, Panchkula

*Handwritten notes:*  
amended  
12/2/24

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

CA Kakul