



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 04.06.2025.

Item No. 289.08

Complaint dated 13.12.2023 was 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.

Present: Adv. Hemant Saini on behalf of the promoter.

1. The email sent by Mr. Prabhsharan Singh alleges 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 the 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 has 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. 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 sent to the promoter on 28.01.2025.

9. On 05.02.2025, counsel appearing on behalf of the promoter stated 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 requested for a short date. The Authority directed the promoter to file their reply one week before the next date of hearing. Vakalatnama submitted on 05.02.2025, however, no reply to orders dated 11.12.2025 has been submitted.

10. The matter was placed before the Authority on 28.05.2025 and counsel on behalf of the promoter informed that they have filed detailed reply on 26.05.2025 however they requested the Authority to grant 3 days to submit amended reply. Acceding to the request of the counsel, Authority adjourned the matter to 04.06.2025.

11. Vide reply dated 02.06.2025, the promoter has stated that the Authority had passed a detailed order dated 26.10.2020, followed by orders dated 14.12.2020 and 04.01.2021, wherein the promoter was directed to file/submit the application for registration of the remaining 14.206 acres land of this project which was further modified to - "Submit a copy of the application as and when filed in the DTCP, Haryana for the grant of license under the DDJAY and for de-licensing the remaining area." That at no point of time, any direction passed by the Authority exceeded qua the project land admeasuring 14.206 acres of land and that the Authority on 04.01.2021 issued final directions pertaining only to migration/surrender of 7 acres of land out of unlaunched balance area 14.206 acres and for additional license 3.368 acres. That, till date, DTCP Haryana has not granted approval pertaining to the surrender/migration of 7 acres of land but has granted approval for the additional license for 6.193 acres (including 2.093 acres migrated from the remaining unlaunched area) on 09.12.2024. Thus, there is no violation of any directions of the Authority. That prior to the date of notice dated 28.02.2025, no direction was ever issued to the promoter to get registered the entire net area of the project admeasuring 67.943 acres. Status of the project land is summarized by the promoter as follows:

S.no	Particulars	Area	Status of application
1.	Surrender of part licensed land (189 of 2007)	4.112	Application returned/rejected vide DTCP memo dt. 01.02.2022
2.	Surrender of part licensed land (06 of 2020)	0.40	Application returned/rejected vide DTCP memo dt. 01.02.2022



3.	Migration of part licensed land for DDJAY-2016 Colony	2.093	License no. 181 of 2024 granted on 09.12.2024 for total land of 6.193 acres out of which 2.093 acres are migrated from the license no. 189 of 2009. Due to this pending approval, the entire plan of remaining area in 7 acres of land had to be kept on hold.
4.	Migration of part licensed land for DDJAY-2016 Colony	0.393	On 01.02.2022, DTCP informed that migration for additional license under DDJAY cannot be considered due to it doesn't fulfil the minimum area requirement norms for grant of additional license.
	Migration & Surrender of licensed land applied (1+2+3+4)	7	
5.	Additional license applied: Proposed migration from a Group Housing Colony	2.625	Application rejected vide DTCP Memo dt. 11.04.2022
6.	Proposed fresh land for Additional license	0.743	Due to rejection of part area (2.625 acres) application withdrawn vide letter dt. 11.04.2022
	Additional license applied (5+6)	3.368	

That in case of Sudhir Vasudev, Chairman and M.D. ONGC V. M. George Ravishekar, Hon'ble SC held that only such directions which are explicit in a judgement or order or are plainly self-evident ought to be taken into account for the purpose of consideration as to whether there has been any disobedience or wilful violation of the same. Promoter has also quoted Sahdeo Singh V. State of U.P., Debabrata Bandopadhyay & ors. V. the State of West Bengal & Anr., State of Bihar v. Rani Sonabati Kumari etc wherein Hon'ble SC opined the same.

The promoter further states that they were granted Part Completion certificate on 31.07.2017 which brings the exemption of the present project from the definition of "ongoing project" under Section 2(0)(i). The promoter's prayer is as follows:

- i. Kindly discharge the rule issued qua the answering- Notice u/sec 35 r/w 59 of the RERA Act, 2016;*
- ii. Kindly not levy any late fee;*
- iii. Kindly vacate the stay on further sale in the project, which was banned vide order dated 11.12.2024;*
- iv. Kindly allow the promoter to execute the conveyance deeds, for the benefit of the allottees or any other relief.*



(Handwritten signature)

12. After hearing the arguments of the counsel on the behalf of the promoter, the Authority decides that the promoter should submit an affidavit stating that no 3rd party rights have been created on the plots/ units forming part of 14.206 acres, which is registrable with the Authority. Further, the promoter is directed to apply for the registration of the remaining area except for which registration has already been granted by the Authority so that late fee may be imposed accordingly.

13. Adjourned to 03.09.2025.



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.

(A Vansha)

