



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 07.05.2025.

Item No. 286.44

Submission of renewal of License and rectification in orders of the Authority dated 05.02.2025.

Promoter: KST Infrastructure Ltd.

Project: A Group Housing colony namely "KST Whispering Heights" measuring 8 acres (forming part of license no. 1029-1031 of 2006 dated 29.06.2006 for a total area measuring 49.02 acres) in Sector-88, Faridabad, Haryana.

Reg. No.: HRERA-PKL-FBD-141-2019 dated 05.08.2019 valid upto 31.12.2022.

Temp ID: 386-2019.

1. Resolution professional Mr. Mukul Kumar for M/s KST Infrastructure Ltd. vide letter dated 04.11.2024 had requested for extension of registration of the captioned project. It had been submitted that the expected date of completion of the project is 31.12.2028, so project is required to be extended upto 31.12.2028.

2. The matter was considered by the Authority in its meeting held on 11.12.2024 wherein following was observed:

"9. Authority observes that license was valid up to 28.06.2024 and extension has been applied up to 31.12.2028. After consideration, Authority decided as under:

- i. Status of renewal of license be submitted.
- ii. Quarter wise resolution plan for completion of project be submitted.
- iii. Extension can be granted on yearly basis under Section-6 and 7(3) of RERA Act, 2016.
- iv. Computation of fee be submitted.
- v. Availability of funds for completion of project be submitted.
- vi. File upto date QPRs.

10. The above information be submitted two weeks before next date of hearing."



2. The promoter is liable to pay late fee of ₹9,86,164/- and penalty of ₹13,80,630/- (after granting benefit of COVID period).
3. On the last date of hearing on 05.02.2025, Sh. Yogesh Kumar Goyal, Chartered Accountant, appeared and sought time to comply with the orders of the Authority. The Authority decided to return the application with liberty to file afresh. The extension fee earlier deposited will be adjusted after deduction of 5% processing charges.
4. Now, vide letter dated 10.02.2025, renewal of license has been submitted which is valid upto 28.06.2029. The Promoter has requested to consider the same.
5. Also, Sh. Mukul Kumar (RP) vide letter dated 01.04.2025 has informed that during the hearing on 05.02.2025, the Authority sought the status of renewal of license No. 1029-1031 of 2006, which was not known to the RP on the date of hearing and the said fact was correctly presented before the Authority. However, after the hearing the RP came to the fact that the Licenses got renewed by the co-developer RPS Infrastructure Ltd which was granted on 09.01.2025. The RP without any delay has intimated the said facts vide letter dated 07.02.2025 with a copy of license. The above facts were inadvertently overlooked and the extension of project registration was retuned with a liberty to file afresh.
6. The Company was put under insolvency vide order of NCLT, New Delhi (C.P. No. IB-1757(PB)/2018) dated 27.03.2019. Also, KST Infrastructure Ltd. has not co-operated during CIRP Process and has not provided complete information. An application under Section-19(2) for non-cooperation of suspended directors and suppressing of documents related to corporate debtor was filed in NCLT Bench, Delhi. Subsequently, IBBI had also filed a case against ex-management and suspended directors. (IBBI Vs. Digvijay Singh Tanwar & Ors (CT/1230/2020) in Dwarka District Court which is pending for adjudication. Due to which, QPRs of the Project has not been filed as the complete data was not available with the RP. Now, all the pending QPRs have been filed upto 31.12.2024 based upon available information and documents.

The Authority has levied late fee of ₹9,86,164 and penalty of ₹13,80,630/- for extension of the project. Further an aggregate penalty of ₹ 41,07,000/- has been levied on 05.02.2025 for non-filing of QPRs. Keeping in view the moratorium invoked under Section-14 and Section-238 of the of Insolvency and Bankruptcy Code, 2016 – it is informed that there is moratorium against the Company wherein “no institution of suits or continuation of



pending suits or proceedings against the said company including execution of any judgement decree or order in any court of law, tribunal, arbitration panel or other authority" is permitted as per the Code.

In the light of above submissions, RP has requested to waive the penalty imposed on the corporate Debtor i.e. KST Infrastructure Ltd and prayed to pass a rectification order and revive the project registration application


7. The Authority observes that the copy of renewal of license has been received in the Authority on 10.02.2025 i.e., after the meeting of the Authority held on 05.02.2025, wherein the Authority had already returned the application. Also, afresh application of extension has not been received as directed by the Authority. Hence, the reply dated 10.02.2025 wherein renewal of license has been submitted cannot be considered. The Promoter should file a fresh application.

Also, applying for extension of project in due time and uploading of QPRs are statutory compliances under the HRERA Act, 2016 and Rules made thereunder. It cannot be considered as a suit or proceeding against the Promoter Company. Hence, moratorium against the Promoter Company does not shield against the statutory compliances under the HRERA Act, 2016 and Rules made thereunder. Hence, the late fee and penalties imposed cannot be waived off.

8. **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.

CA (Hakul)

Kell 6/6/25