



**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 13.08.2025.

**Item No. 296.10**

**Submission of Completion Certificate.**

**Promoter:** M/s Sonika Properties Private Limited.

**Project:** "Suncity Township Sector-36 A" – a Residential Plotted Colony being developed on land measuring 17.224 Acres situated in Sector-36 A Rohtak.

**Reg. No.:** HRERA-PKL-ROH-239-2021 dated 26.03.2021 valid upto 31.12.2023 and First Extension granted upto 31.03.2025.

**Temp ID:** 886 of 2020.

**Present:** Adv. Himanshu Gupta alongwith Adv. Ritwik on behalf of the promoter.

1. License No. 9 of 2009 dated 19.05.2009 valid upto 18.05.2013 was granted by DTCP to Sonika Properties Private Limited and others for setting up of Residential Plotted Colony over land measuring 76.812 acres.
2. The Authority has registered the captioned project of Residential Plotted Colony on land measuring 17.224 acres vide Reg. No. HRERA-PKL-ROH-239-2021 dated 26.03.2021 valid upto 31.12.2023. First Extension along with 3 months COVID Extension was granted upto 31.03.2025.
3. Now, the Promoter has submitted the Completion certificate dated 17.01.2025 (in respect of License No. 9 of 2009 dated 19.05.2009 valid upto 18.05.2013) of the said Project.
4. QPRs have been uploaded upto December 2024.





5. The Authority on 12.03.2025 directed the promoter to submit soft copy (upto 5 MB on the official e-mail) as well as hard copy of the following:

- i. Approved Zoning Plan
- ii. Approval letter of Service Plans & Estimates along with approved plans and Estimates.
- iii. Renewal of License No. 9 of 2009 dated 19.05.2009 which was valid upto 18.05.2013.

6. Further, part completion certificate of the project has been obtained for 62.65 acres in Sept' 2016. Registration No. HRERA-PKL-ROH-239-2021 dated 26.03.2021 for an area of 17.224 acres was granted which was valid upto 31.12.2023 and Completion certificate for 76.806 acres has been granted by the DTCP on 17.01.2025. Therefore, promoter should get 59.59 acres of his project registered from 11.11.2021 (Date of Newtech Judgment) to 17.01.2025 (i.e., upto the date of completion).

7. On 28.05.2025, the Authorised representative appearing on behalf of promoter informed that they have submitted reply in the registry of the Authority, yesterday stating that the Newtech's Judgment is not applicable on the facts and circumstances of the present case and the Authority on 25.01.2021 had granted registration certificate for 17.224 acres only and the area of 62.650 acres for which part completion certificate had been granted was consciously exempted from registration. They prayed that this Authority is not empowered to review its own decision and decision of Authority dated 12.03.2025 for registration of 59.59 acres in the above project may be withdrawn.

However, the Authority was of the view that the Newtech's Judgment is applicable in the present case and the promoter should get 59.59 acres of his project registered from 11.11.2021 (Date of Newtech Judgment) to 17.01.2025 (i.e., upto the date of completion). The Authority therefore granted one last opportunity to the promoter to comply with the above directions failing which show cause notice under Section 59 of the Act shall be issued on the next date of hearing. Till then, there shall be a ban on further sale of the project.

8. The promoter vide reply dated 12.08.2025 stated as under:-

- a. No Power of Review with the Ld. Authority and the Fresh Order under Suo Moto Powers cannot be passed retrospectively. The order dated 12.03.2025 passed by the





Authority amounts to review of the earlier order dated 25.01.2021 and the Authority does not have any power to review its own order.

That without prejudice to the earlier submission that there is no power of review and assuming that the Authority has invoked its suo moto powers to pass fresh order of Registration and the same is permitted in law then the same cannot be passed retrospectively. It is settled law that order passed by any quasi-judicial authority as in this case, the order dated 25.01.2021 continues to be in operation till the same is set aside vide review or by Ld. Appellate Authority. Since no review is permissible and assuming if the order is passed afresh under suo moto powers then the same cannot be applied retrospectively.

- b. Since by the date the order for registration has been passed by the Authority, Promoter has already been granted completion certificate for the whole project. Thus, Newtech's Judgment is not applicable in the facts of the case, even it is presumed that there is subsequent change in law that cannot ipso facto enable the Authority to pass orders retrospectively.
- c. RERA Act read with Rules and Local Acts makes it abundantly clear that no registration is required if Part Completion Certificate is granted prior to RERA Act coming into force. Thus, as per Section 3 of 2016 Act registration can be of the entire colony or any part of it.
- d. Further, the 'Completion Certificate' definition as mentioned in the Act, 2016 makes it abundantly clear that the word 'completion certificate' is merely a nomenclature and would mean any certificate which signified that development has been completed according to the sanctioned plans and specifications as provided under local laws'.
- e. That as per the policy dated 24.04.2023 of DTCP r/w Order dated 04.03.2025 it is clarified as: *such part of colony, which either stands completed/ occupied or stands registered with RERA, may be indicated as 'completed/ registered phase'*;
- f. That bare perusal of above definitions makes it clear that Part Completion certificate fulfills the requirement of proviso to Section 3 as is evident from following :
  - a) Certificate issued by Competent Authority: DTCP in the present case.
  - b) Signifies that Project is developed as per plans: Definition of Part Completion certificate itself shows that it is to be given after satisfying that it is developed as per plans.





- c) Each part signifies a separate real estate project : as per DTCP guidelines a part of a colony which is completed, it has to be construed as completed phase.
- g. That the fees being charged for registration is to regulate the projects in which development works are yet to be completed. For instance, it regulated that amount received from the allottee for the purpose that same is utilised by the promoter in the project till the time construction is complete u/s 4 of Act, 2016 and further, to ensure that details regarding completion of project is regularly updated. Once the development of part of a project was completed prior to the enactment of RERA Act, 2016, no regulatory or compensatory fees can be charged for regulating something which no longer requires regulation as even the completion certificate has been issued qua the project in question.
- h. That further, as per Section 5(3) of 2016 Act, the registration is done for the period declared under Section 4(2)(1)(C) for completion of the project. In the instant matter, once the part completion certificate was already issued prior to 2016 Act came into force in 2017 and even completion certificate is issued then any order mandating the registration will defeat the very object of registration.
- i. Newtech Judgment is not applicable to the facts of the case and even URERA on which the Judgment is based held that no registration is required if part completion certificate is issued. The Newtech's case arises out of the State of Uttar Pradesh and is based upon rules as applicable in the State of Uttar Pradesh. However, in the present case, only the 2017 Rules are applicable and the same is binding on the Authority which specifically provides that in cases where part completion certificate is issued, no registration is required. However, even the UPREAT in the case of Eshan Singh vs. Ansal Properties and Infrastructure Ltd. (Appeal-789/2021 Decided on 03.01.25) has consistently held that the part of project for which part completion certificate is issued prior to enactment of RERA does not require registration. That even in the Newtech Judgment, there is no discussion as to the part completion certificate. Whereas, it is clear from above provisions, the part completion has the same definition as given under the RERA Act for completion certificate.
- j. Lastly, the promoter submitted that if the Authority comes to the conclusion that Registration is required then the same should be guided by Resolution dated 29.01.2025 wherein it is decided that wherein part completion certificate is already granted then the extension fee is to be 10% of registration fee. Since in the present





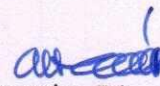
case the Part Completion Certificate has been issued prior to RERA coming into force, the fees for extension has to be considered as fees for registration.

9. After hearing the averments made by the counsel during the hearing and through reply dated 12.08.2025, the Authority is of the view that as a regulator, it has passed the administrative orders and not the Quasi Judicial Orders therefore presence of anybody while performing administrative functions is not required. Further, the promoter was duty bound by law to approach this Authority after the Newtech Judgment was passed by the Hon'ble Apex court; however, Authority itself had directed the promoter to get itself registered as per provisions of the Act. Further, acceding to the request of counsel, not to charge any late fee/penalty Authority is of the view that the registration has to be sought for an area measuring 59.59 acres from 11.11.2021 (Date of Newtech Judgment) to 17.01.2025 (i.e., upto the date of completion). The Authority has also taken a lenient view on the request of the promoter regarding charging of fee in the present case since part completion certificate was received by them prior to RERA coming into force. The Authority directs the office to consider the application filed by the promoter, as per resolution of Authority dated 06.08.2025.

10. Adjourned to 12.11.2025.

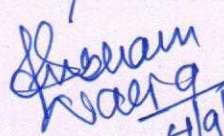


True copy

  
Executive Director,  
HRERA, Panchkula

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

STP

LA (shybam)  
  
4/9/25