



**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 24.12.2025.

**Item No. 308.17**

Extension of registration U/s 6 and continuation of registration U/s 7(3) of RERD Act.

**Promoter:** Adore Realtech Pvt. Ltd..

**Project:** "Happy Homes Exclusive" – An Affordable Group Housing Colony on land measuring 4.125 acres situated in Village Bhudhena, Sector 86, Faridabad, Haryana.

**Reg. No.:** 209 of 2017 dated 15.09.2017 valid upto 14.09.2021.

**Temp Id:** RERA-PKL-609-2019.

**Present:** Adv. Tanya Karnwal on behalf of the promoter

1. The promoter vide letter dated 12.04.2024 had requested for extension of real estate project "Happy Homes Exclusive". License no. 29 of 2016 dated 27.12.2016 was renewed upto 26.12.2024. The promoter has filed QPRs upto **31.12.2024**.
2. The promoter vide reply dated 26.11.2024 had submitted a CA certificate which depicts that percentage of works completed is 100%. The amount received from the allottees till 31.10.2024 is ₹122.12 cr. The promoter has also submitted an Engineer and Architect Certificate which depicts that the project is 100% complete. The promoter has also intimated the FAR of the commercial area.
3. Request has been made to grant extension for three years, i.e., upto 14.06.2025 (including nine months COVID period).
4. On 22.01.2025, Authorized Representative Sh. Jyoti Sidana submitted that Occupation Certificate has been applied as 100% work is complete. Authority decided that promoter should submit the following:

*i. Promoter should deposit deficit extension fee of Rs. 10,88,844/- for three years.*



- ii. *Late fee amounting to Rs. 10,09,962/- and penalty of Rs. 15,65,438/- be deposited as per resolution of Authority dated 07.08.2024.*
- iii. *Status of renewal of license be submitted.*
- iv. *Copy of approved service plans and estimates.*
- v. *Audit of project be conducted from an empaneled CA firm and a public notice be issued in newspapers inviting objection from general public.*
- vi. *Audit fee of Rs. 41,300/- and public notice fee of Rs. 10,000/- be deposited by Promoter.*

5. In view of above, vide letter dated 21.03.2025, auditor has been appointed to conduct audit of the project. Also, notice in two newspapers namely Indian Express and Dainik Bhaskar was published on 22.03.2025.

6. On 02.04.2025, Ld. Counsel Ms. Tanya informed that a representation against late fee, penalty and appointment of auditor has been submitted in the Authority on 25.03.2025. The decision of conducting an audit has been without any reason as OC for the colony has already been granted on 11.08.2023. Counsel also submitted that the promoter has applied for extension in 2021 and hence, imposition of penalty and late fee is unjustified.

On 02.04.2025, the Authority decided that since the Occupation certificate of the Project has been obtained, the orders regarding appointment of auditor are hereby withdrawn. Auditor be informed accordingly. The office is directed to examine reply dated 25.03.2025.

7. The promoter vide letter dated 25.03.2025 has requested the Authority:
- i. *To set aside the late fee and penalty since they applied for extension before the Authority on 14.12.2021 and has time to time made all the compliances: This extension application was placed before the Authority on 05.01.2022 wherein the Authority observed that *the promoters have completed about 89% of the development works of the project. The present registration is valid upto 14.06.2022, which include general extension of nine months due to Covid-19. Since, more than five months are still available with the promoters and balance 11% development works are pending, therefore, the promoters should complete the project within the balance period available with the promoters. In case they still require further extension, they may approach the Authority at an appropriate time.**
  - ii. *Not to conduct audit: Vide letter dated 23.04.2025, withdrawal of audit of project has been conveyed to the auditor.*
  - iii. *Adjust payment of Rs. 7 lacs in the outstanding RERA extension fee and grant extension: The said payment was made in Suo motu complaint no. 3014 of 2022 wherein show cause was issued for being lapsed project.*
  - iv. *Grant extension certificate.*

8. The promoter had also submitted a copy of renewal of license (valid upto 26.12.2024) and also submitted copy of service estimates, however service plans have not been submitted (and soft copy of all the documents also needs to be submitted).



9. On 09.07.2025, the Authority observed that since the license had lapsed on 26.12.2024, the promoter should submit a copy of renewal of license before the said extension is considered. The request to set aside the late fee of ₹ 10,09,962/- and penalty of ₹ 15,65,438 is not acceptable, since their earlier extension application was placed before the Authority on 05.01.2022 wherein the promoter was directed to approach the Authority for extension at an appropriate time. Therefore, it was the duty of the promoter to apply for extension in time. Regarding adjustment of payment of penalty made in suo moto complaint, the Authority was of the view that such penalty was imposed on the promoter for non-compliance of the orders of the Authority under section 61 r/w section 63 of the RERA Act 2016. Further, the above stated late fee and penalty was imposed on the basis of resolution of the Authority dated 07.08.2025.

10. On 24.09.2025, Adv. Tanya appeared on behalf of the promoter and informed that in Suo-Moto Complaint No. 3014 of 2022, the promoter has paid a penalty of ₹5,00,000/- for contravention of the provision of the act and for not complying with the orders of the Authority. After consideration, Authority observed that in Sou-Moto Complaint No. 3014 of 2022, the Authority had imposed a penalty of ₹5,00,000/- under Section 61 read with section 63 of RERA Act, 2016 for contravention of provision of the act and not complying with the orders of the Authority.

11. Therefore the Promoter is required to pay a late fee of ₹10,09,962/- and penalty of ₹15,65,438/-.

12. The promoter vide reply dated 31.10.2025, has requested to recall/review/rectify the order dated 09.07.2025 passed by the Hon'ble Authority and to pass such further or other order(s) or relief(s) as the Hon'ble Authority may deem fit, just and proper considering the facts and circumstances of the case in favour of the promoter.

13. Grounds for seeking recall/review and rectification of order dated 09.07.2025:

1. Because the Ld. Authority failed to appreciate that the Promoter has paid the penalty of Rs. 5,00,000/- in Suo Moto Proceedings under Complaint No. 3014 of 2022, thus the subject matter is barred by the principle of Res Judicata; the Promoter cannot be penalized for the same act twice:

- a. That the Ld. Authority failed to appreciate that for the Project in question, suo moto proceedings for non-registration were ongoing under complaint no. 3014 of 2022, under which, a penalty of Rs. 5,00,000/- was imposed by the Ld. Authority for non-registration of the Project, vide order dated 11.12.2023.
- b. That the Ld. Authority failed to appreciate that it was prior to the initiation of such proceedings that the Promoter had rightly applied for RERA Extension on 14.12.2021. That despite having sought the extension in a timely fashion, the Promoter was charged with a penalty of ₹ 5,00,000/-, which was duly paid by



the Promoter on 02.07.2024 vide Reference Number RERA-PKLC1719919305.

- c. That the imposition of a penalty arises from a default and/or a non-compliance, which is not the present case and hence, such payment of ₹5,00,000/- needs to consider as the subject matter and cause of action stands adjudicated.
  - d. That the Impugned order is barred by the principle of res judicata as cause of action has already been decided once and the Promoter has complied with the order passed towards such alleged cause of action.
  - e. That once a penalty has been imposed upon the Promoter for an alleged default for the Project, no further penalty can be imposed, for the same Project and the same alleged default. That the imposition of the suo moto case penalty of ₹5,00,000/- plus imposition of penalty and late fees under proceedings extensions is causing gravely prejudice to the Promoter and the Impugned Order goes beyond the well settled principle that no party can be penalized twice and stands grossly barred by the principle of Res Judicata, thus the Impugned Order is liable to be recalled.
2. Because the Ld. Authority failed to appreciate that the Promoter had applied for RERA Extension in 2021 itself and hence, the imposition of penalty and late fees for non-extension is unjustified and hence, should be removed:
- a. That the Ld. Authority failed to appreciate, with respect to the Project in question, the registration of which, stood expired on 14.06.2022 (14.09.2021 + Grace Period due to Covid-19), that the Promoter had rightly applied for seeking extension of the Project Registration, vide Dak Receipt ID 13360, on 14.12.2021, i.e., within the time-period (with the grace period), and hence, there is no delay and/or default on part of the Promoter.
  - b. That it was thereafter on 12.04.2024, that another sub-application under the project extension documents was submitted along with the fees of ₹4,26,100/-.
  - c. That this evidently shows that the due compliance had been timely made by the Promoter, and hence, the imposition of the penalty and the late fees needs to be duly recalled.
  - d. That at this stage, it is of essence to note that as per the resolution dated 07.08.2024, the Ld. Authority had noted the following manner of calculation of late fees:

*“2. The following late fee (along with extension fee) shall be payable for seeking extension of registration, if application is made within 90 days prior to the validity of registration:*

    - i. between 61" and 90th day before last date of validity of registration - late fee @25% of extension fee.*
    - ii. between 31 and 60th day before last date of validity of registration - late fee @50% of extension fee.*
    - iii. between or on last day and 30th day before last date of validity of registration - late fee @ 75% of extension fee.*

*3. Further, if application for extension is made after the last date of validity of registration - late fee equivalent to registration fee shall be applicable.”*



- e. That without admitting the legality and the binding nature of the said resolution, in any manner whatsoever, it is most respectfully submitted that application for extension of the RERA Registration was applied vide Dak Receipt ID 13360, on 14.12.2021, i.e., almost 6 months prior to the expiry of the Registration Certificate on 14.06.2022. That hence, there is no applicability of the said resolution in the present case. Hence, the imposition of the late fees of ₹10,09,962/-, is unjustified and should be rightly recalled.
- f. That furthermore, the imposition of penalty of ₹15,65,438/- is also arbitrary. That there is no explanation for the imposition of the said penalty. That the Promoter has been compliant with all the rules and regulations and hence, should not be made to make any payment towards any penalty whatsoever.
- g. That it is additionally submitted that under the order dated 22.01.2025, it has been duly noted under para 6 that the Promoter has submitted all the requisite documents, despite which, the penalty of Rs. 15,65,438/- has been imposed upon the Promoter. That with the complete compliance having been done by the Promoter, such penalty cannot be imposed and hence, it is most humbly prayed that the Impugned Order is liable to be recalled.
3. Without prejudice, the Ld. Authority has failed to consider the deduction of imposition of fees in light of the fact of receipt of the occupation certificate dated 11.08.2023, in accordance with the resolution dated 29.01.2025.
- a. That it is a matter of fact that the occupation certificate was granted on 11.08.2023. That in accordance with the resolution dated 29.01.2025, the fees for projects with OC is required to be reduced, however, the same was not done. Hence, the impugned order is liable to be recalled.
- b. A copy of the resolution dated 29.01.2025 is annexed and marked as Annexure 3.
4. Because the Ld. Authority failed to appreciate that due compliance with all directions had been made by the Promoter as per proceedings dated 11.09.2024:
- a. That the Promoter was asked by the Ld. Authority to submit the CA Certificate, Architect Certificate, Engineer Certificate, and FAR of the commercial area. That a bare perusal of the minutes of the meeting dated 11.09.2024 shows that the one last opportunity was granted and the meeting was adjourned to 27.11.2024, with no further directions having been passed on 11.09.2024.
- b. That thereafter, the Promoter had rightly filed all the required documents on 26.11.2024 vide Dak Receipt No. 38415. That it is of essence to note that such documents have been filed prior to the date of hearing, as per the directions under proceedings dated 11.09.2024. However, for reasons unknown to the Promoter, the meeting was preponed to 20.11.2024 instead of the pre-fixed date of 27.11.2024, whereunder, a show cause notice was noted to be issued to the Promoter for not complying with the orders of the Ld. Authority.
- c. That however, as noted above, the Promoter acting in a compliant fashion, had duly filed all the required documents on 26.11.2024 vide Dak Receipt No. 38415, i.e., prior to the originally fixed date of the meeting, and



hence, there stands no non-compliance on part of the Promoter, despite which, penalty and late fees has been imposed.

- d. That additionally, the Bonafide of the Promoter may kindly be noted. That the Project was granted License no. 29 of 2016, which was valid till 26.12.2021, which was further extended upto 26.12.2022, thereafter, occupation certificate was granted on 11.08.2023. That the License was further extended till 26.12.2024. That the Promoter has duly sought the extension of the validity of the said license vide application dated 25.11.2024. that the extension proceedings for the license is pending before the competent department bearing Appeal No. 34 of 2025, it is pertinent to note that occupation certificate has been granted and it is only the completion certificate which has not been granted in light of these proceedings, thus causing delay. The last notice received from DTCP is annexed and marked as Annexure 4.
  - e. That additionally, it is pertinent to note that the Environment Clearance of the Project stands valid. That the Approval of service plan / estimates have been duly granted by the competent department vide Memo No. LC-3034-CJE(SK)-2023/6265 dated 02.03.2023. That, moreover, the occupation certificate has been granted on 11.08.2023 vide Memo No. ZP-1037 Vol-II/JD(NK)/2023/26416.
  - f. That this shows that the due and complete compliances have been made by the Promoter and hence, does not amount to any non-compliance on part of Promoter, thus, no penalty or late fees can be imposed arbitrarily upon the Promoter, and the Impugned Order is liable to be recalled.
5. Because the Ld. Authority failed to pass a detailed reasoned order to provide a reason for imposition of penalty and late fees in an affordable group housing colony:
- a. That the Ld. Authority failed to provide any reason for imposition of late fees and penalty despite the fact that the Promoter had applied for extension in 2021.
  - b. That further, the project in question is an affordable housing project under the "Housing For All" scheme, which is a special kind of project for which license has been granted and provisions have been made by legislature to provide relaxation to keep cost low, and imposing a condition to pay penalty and late fees for no justifiable reason is unjust. That such imposition of additional cost on an affordable project does not comply with the principle of fairness inherent in Indian administrative law and against the Doctrine of Proportionality.
  - c. The in this regard, the Doctrine of Proportionality is of essence to be considered which relies on the test of reasonableness. The said doctrine was originated in the 19th century and has been recognized by the Hon'ble Supreme Court in the State of Madras vs. V.G. Row (AIR 1952 Supreme Court 196), wherein the Hon'ble Apex Court observed as follows:  
*"The test of reasonableness, wherever prescribed, should be applied to each individual statute impugned, and no abstract standard or general pattern of reasonableness can be laid down as applicable to all cases. The nature of the right alleged to have been infringed, the underlying purpose of the restrictions imposed, the extent and urgency of the evil sought to be remedied thereby, the disproportion of the imposition, the prevailing*



*conditions at the time should all enter into the judicial verdict. In evaluating such elusive factors and forming their own conception of what is reasonable, in all the circumstances of a given case, it is inevitable that the social philosophy and the scale of values of the judges participating in the decision should play an important part, and limit to their interferences with legislative judgment in such cases can only be dictated by their sense of responsibility and self-restraint and the sobering reflection that the Constitution is meant not only for the people of their way of thinking but for all, and that the majority of the elected representatives of the people have, in authorizing the imposition of the restrictions, considered them to be reasonable."*

- d. That further, the Ld. Authority by passing the Impugned Order caused grave illegality in not passing a detailed judgment and instead passing only the summary order barely directing the Promoter to pay penalty and late fees without appreciating the true facts and circumstances of the matter, and thus, the Impugned Order is liable to be recalled.
- e. That it is most respectfully submitted that under section 7(3), this Ld. Authority has wide powers to pass any orders in the interest of the development and interests of the allottees. That hence, the present application.

14. Today, Adv. Tanya Karnwal appeared on behalf of the promoter. The Authority, after consideration accepted the request of the promoter to grant the benefit of Covid period in calculation of penalty imposed on the promoter and the benefit of OC. However, the benefit of OC can not be given at this stage because the OC was obtained after the expiry of registration Certificate. Accordingly, after granting of Covid period benefit extension fee and late fee remains the same i.e. ₹5,04,981/- & ₹10,09,962/-. The penalty now amounts to ₹11,91,755/-.

15. Therefore the Promoter is required to pay a late fee of ₹10,09,962/- and penalty of ₹11,91,755/-.

16. Adjourned to 18.03.2026.



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

  
21/01

~~LAKARAJEET~~  
  
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