



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 25.03.2026.

Item No. 316.28

Complaint regarding Illegal Allotment of Registration No. BHW-222-2020 dated 08/12/2020 - Request for Cancellation and Criminal Proceedings.

Promoter: Shri Balaje Builders.

Project: "Balaji Enclave" - an Affordable residential plotted colony (under DDJAY) on land measuring 9.131 acres situated in the revenue estate of village Dadri, Sector-8, Charkhi Dadri, Haryana.

Reg. No.: HRERA-PKL-BHW-222-2020 dated 08.12.2020 valid upto 26.08.2023. First extension granted upto 26.11.2024. Second upto 26.11.2025.

1. The Authority, has registered the above project on 08.12.2020.
2. Now, vide letter dated 27.08.2025, Adv. Gaurav Phogat has brought a serious matter concerning the illegal allotment of Reg No. BHW-222-2020, issued on 08/12/2020 which is under acquisition as per the Land Acquisition Act. He has informed that the said license was granted without the mandatory release order from the Hon'ble Court or any competent authority. This land, which is part of government acquisition proceedings, has not been lawfully released for private development. All actions taken to obtain and utilize this license are therefore unauthorized, fraudulent, and in clear violation of legal provisions governing land acquisition and licensing under HRERA norms. He requested the Authority to take the following actions:

- a. Immediate cancellation of Reg. No. BHW-222-2020, issued on 08/12/2020.
- b. Initiation of appropriate penal action including registration of a criminal case against the parties involved, for fraud, forgery, and violation of applicable real estate and land acquisition laws.
- c. Forwarding of this complaint to the concerned police authorities for legal action.



3. A copy of the complaint has also been emailed to the concerned Police Station. The issuance and continued validity of this license not only violates the law but sets a dangerous precedent, enabling unauthorized development and misuse of acquired public land. He urged the Authority to take strict action in this regard to uphold the integrity of the real estate regulatory framework and ensure justice.

4. The Authority on 10.09.2025 had directed the office to send a copy of the complaint to the respondents for their comments. The comments be submitted at least one week before the next date of hearing. A copy of these orders be sent to the Department of Town and Country Planning, Haryana to enquire into the matter and apprise factual position before the next date of hearing.

5. In view of the above, DTCP, Haryana vide letter dated 05.02.2026 has submitted the brief facts regarding Licence No. 58 of 2018 dated 27.08.2018 (after migration from licence no. 42 of 2012 dated 05.05.2012) which are as under:-

- a. At the time of submission of application for grant of parent licence, the land applied for said licence was notified under Sections 4 and 6 of the Land Acquisition Act, 1894. Accordingly, the case was submitted to the Government for release of land and grant of licence after examination of reports of Land Acquisition Officer (LAO), Hisar, Administrator, HSVP and Urban Estate Department.
- b. After obtaining internal concurrence of Government, this office requested the Director, Urban Estate Department to take further action for release of land. The Financial Commissioner & Principal Secretary to Government of Haryana, Urban Estate Department, vide letter dated 28.08.2009, conveyed Government approval for release of land subject to general conditions applicable to release cases and directed execution of requisite agreements. Consequently, a Letter of Intent (LOI) was issued to the applicants on 31.08.2009.
- c. However, due to non-compliance of LOI conditions, the LOI dated 31.08.2009 was declared null and void vide memo dated 08.04.2010. The applicants were advised to apply afresh. Thereafter, the in-principle approval for release of land dated 28.08.2009 was cancelled vide memo dated 09.03.2011 after providing opportunity of hearing to the applicants.
- d. Meanwhile, the applicants submitted a fresh application for grant of licence on 30.03.2010. Upon examination, the case was submitted to the Government for review of the cancellation order for release of land and grant of licence. After approval, a fresh LOI was issued on 24.06.2011, and upon compliance of conditions, Licence No. 42 of 2012 dated 05.05.2012 was granted. Therefore, the parent licence no. 42 of 2012 dated 05.05.2012 was granted after release of land from acquisition proceedings.
- e. Subsequently, during processing of migration of Licence No. 42 of 2012 dated 05.05.2012 to Licence No. 58 of 2018 dated 27.08.2018, the revenue record and



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- reports of LAO, Hisar and Deputy Commissioner, Charkhi Dadri, were examined. LAO, Hisar, in his report dated 19.06.2017, informed that the entire applied land had been notified under Sections 4 and 6 of the Land Acquisition Act but was not included in the award due to issuance of parent licence No. 42 of 2012 dated 05.05.2012 and that no acquisition proceedings were pending as on the said date.
- f. Further examination of jamabandis revealed that certain killa numbers had conflicting entries regarding acquisition. Deputy Commissioner, Charkhi Dadri, vide report dated 20.06.2017, verified and confirmed that only killa nos. 151//10, 12 and 133//21/1, 22/1 were notified under Sections 4 and 6 of the Land Acquisition Act.
- g. In view of the above position, LOI dated 08.03.2018 was granted with a specific condition requiring the applicant to submit certification from the DC Dadri/District Revenue Authority regarding ownership and non-alienation of land. In compliance thereof, the Deputy Commissioner, Charkhi Dadri, reiterated earlier findings and the applicants were directed to get the acquisition-related entries omitted from the jamabandi.
- h. In response, the developer firm submitted the updated jamabandi pertaining to applied land showing rapat regarding omission of Sections 4 and 6. Accordingly, licence no. 58 of 2018 dated 27.08.2018 was granted for setting up of Affordable Residential Plotted Colony under DDJAY Policy-2016 under migration from licence no. 42 of 2012 dated 05.05.2012.
- i. The subject cited licence is valid till 27.08.2026 and the developer firm has applied for the grant of completion certificate vide letter received on 23.07.2025, which is under examination.

6. Further comments on the complaint were also sought vide memo dated 04.12.2025 from the developer firm and in reply to the same, the developer firm has submitted that License No. 58 of 2018 was granted to M/s Shri Balaji Builders, Colonizers and Land Developers for developing an Affordable Plotted Colony over 9.131 acres in Sector 8, Charkhi Dadri, Haryana, registered under RERA as "Balaji Enclave" (No. BHW-222-2020 dated 08.12.2020).

The land, initially acquired under Sections 4 & 6 of the Land Acquisition Act, 1894, was later released in accordance with Government Policy dated 26.10.2007 and subsequently migrated from License No. 42 of 2012 with Government approval. Further, submitted that the project has been completed in all respects and the application for its completion certificate has already been submitted for which requisite field reports have also been sought by the department. Apart from this, the area forming part of the roads has also been transferred to Government.



7. In view of the above, no merit has been found in the complaint in respect of grant of licence, therefore, the same may be filed qua the department.

8. Adv. Gaurav Phogat vide letter dated 26.02.2026 submitted that-

1. **Validity and Withdrawal of Notification under Sections 4 & 6**

The Notification under Section 4 & 6 of the Land Acquisition Act, 1894 was issued with the permission of the Governor and signed accordingly. Therefore, such notification can only be withdrawn:

- By a higher competent authority,
- Through a Gazette Notification duly approved by the Governor after a resolution passed by the State Legislative Assembly, or
- Pursuant to directions of the Hon'ble High Court or Hon'ble Supreme Court in appropriate writ proceedings.
- Or By the President of India

No objection under Section 5A of the Act was filed, and therefore acquisition proceedings attained finality. There is no order attached with your above-mentioned letter showing lawful release of the land from acquisition.

Once Sections 4 and 6 are published, no authority such as Principal Secretary, Financial Commissioner, or Director, Town & Country Planning/Urban Estates has power under the Act to release such land except through due legal process as stated above. Any such purported release is illegal and void ab initio.

2. **Illegality of License No. 42 of 2012 and Migration License No. 58 of 2018**

License No. 42 of 2012 dated 05/05/2012 was obtained through illegal proceedings while the land was already under acquisition (Sections 4 & 6) and therefore not free from encumbrances. The license application contained fabricated and false information and was in breach of statutory declarations. Illegal Licence issue for same purpose for which land acquired on acquired land is wrong illegal against law and rules, Subsequently, License No. 58 of 2018 being a migration from License No. 42 of 2012 is also illegal and fictitious, having originated from a void parent license. All permissions flowing from such fraudulent foundation are null and void. No valid release order from any competent authority or superior court has been produced. If any official has issued such release contrary to law, he/she is personally liable for prosecution.

3. **Defective Title and Unfair Trade Practices**

As stated in para 3(vi) of your letter itself, the issue reflects defective title land. Numerous sale deeds were executed and bank loans obtained even prior to issuance of the original license, which clearly shows lack of fair play and possible misrepresentation.

Under the Real Estate (Regulation and Development) Act, 2016:

- Section 11(4)(a) mandates the promoter to have clear and marketable title.
- Failure triggers compensatory mechanisms under Section 18.



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c) Violations attract penalties under Sections 59 and 60.

The role of RERA is not to protect promoters/ Developers who approach with unclean hands or mala fide intention. Rather, the Authority must initiate proceedings for-

1. Imposition of penalty up to 10% of estimated project cost (Today 's approx. *200 crores),
2. Registration of FIR for use of forged/fabricated documents,
3. Prosecution for unfair trade practices and misleading the authority,
4. Violation of Section 9 of RERA,
5. Misuse of Government Policy 2016 (DDJAY), which is not applicable to acquired land.
6. As per Para 3(iii) of the above-said letter, the applicants have been advised to apply afresh, which clearly indicates undue and improper involvement at the level of the Director to extend illegal benefit to a fraudulent developer. It is respectfully submitted that no fresh application was ever submitted on 30/03/2010, and no documentary proof in support of such alleged application has been annexed, as is also evident from Para 3(iv) of the said letter. In absence of any record, acknowledgment, diary number, or supporting documents, only to justify an otherwise unlawful and irregular grant of license

4. Judicial Precedents

In Pioneer Urban Land and Infrastructure Ltd. v. Union of India, the Hon'ble Supreme Court reinforced that refund, compensation, and interest are essential to ensure fairness and transparency

Further, in Civil Writ Petition No. 17463 of 2007 decided on 22/12/2008 by the Punjab and Haryana to a colonizer who had no interest in the land prior to such notification. High Court, it was held that after issuance of notification under Section 4, license cannot be granted to a colonizer who had no interest in the land prior to such notification. The State's SLP No. 3644 of 2009 before the Supreme Court of India, was dismissed on 10/12/2013, thereby affirming the legal position. Hence, the license granted in the present case is liable to cancellation.

Additionally, LAC Case No. LAC/0400113/2010 (Petition Nos. 113, 129 & 205 of 2010) Decided on 10/07/2013 by DR Abdul Majid ADJ Bhiwani (copy attach) resulted in enhancement of compensation in favour of landowners/Developers Puneet son of Balkishan and Raj singh son of partap singh which further establishes the subsistence and legality of acquisition.

5. Omission of Acquisition Entries in Jamabandi

As mentioned in para 3(vii) of your letter, acquisition-related entries were omitted from Jamabandi without lawful order. In absence of any valid judicial or statutory order, such omission is illegal any and does not extinguish acquisition.



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I respectfully request that no Completion Certificate be issued. If issued contrary to law, concerned officials may be personally liable for prosecution and all consequential liabilities.

6. Compensation to Bona Fide Purchasers

The promoter/Developer must be directed to compensate all bona fide purchasers of land in this defective-title project with 18% compound interest on deposited amounts, as per Section 18 of RERA and applicable principles of law.

Being an investor in the entire project (Sector 8 and Sector 9 HUDA Charkhi Dadri), which was jointly advertised and acquired under a single Gazette Notification, I am directly affected. RERA provisions ensure transparency and accountability toward end users and investors alike.

The Advocate is requesting for-

1. Immediate investigation into illegal grant of License No. 42 of 2012 and License No. 58 of 2018. and write to cancel with huge penalty,
 2. Initiation of proceedings under Sections 59 & 60 of RERA.
 3. Direction to promoter to refund and compensate all purchasers with 18% compound interest.
 4. Direct to Registration of FIR for use of forged and fabricated documents.
 5. Withholding of Completion Certificate until legality is established.
 6. Communication to the complainant regarding action taken.
9. The Authority after consideration decides to grant an opportunity to the Advocate to appear before the Authority on the next date of hearing 03.06.2026



True copy

Secretary (Acting),
HRERA, Panchkula

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

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29/4/26
STP

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29/04

LA KAROL

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