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Extract of the resolution passed by the Haryana Real Estate Regulatory Authority, Panchkula in its meeting held on 14.10.2026.

Item No. 335.31

Newspaper Clipping of the project Orange Flower Valley regarding payment plan.

Promoter: **Madhuban Colonizers Pvt. Ltd.**

Project: **"Orange Flower Valley" on land measuring 12.343 acres situated in the revenue estate of Village Billah Sector - 14, Kot Behla Urban Complex, Panchkula.**

Reg. No.: **HRERA-PKL-PKL-733-2024 dated 23.07.2025 valid upto 01.07.2030.**

Temp ID: **RERA-PKL-1733-2025.**

1. It has come to the notice of office that in the Dainik Bhaskar newspaper dated 29.03.2025, an advertisement of the above RERA registered project reflecting the following payment plan has been issued: -

Plot Type	Plot Size (sq. yard.)	Rate per sq yard	10% within 5 days of allotment	20% within 30 days	20% within 60 days	20% within 90 days	20% within 120 days	10% on offer of possession	Total
Type A	151.340 to 167.678	₹81,500	₹12.33 Lacs	₹24.66 Lacs	₹24.66 Lacs	₹24.66 Lacs	₹24.66 Lacs	₹12.33 Lacs	₹1.23 Cr
Type B	170.656 to 179.39	₹81,500	₹14.62 lacs	₹29.24 Lacs	₹29.24 Lacs	₹29.24 Lacs	₹29.24 Lacs	₹14.62 Lacs	₹1.46 Cr

2. However, the payment plan submitted by the promoter at the time of registration was as under: -

Sr. No	Payment stage	Amount (%age of sale price)
1.	At the time of booking	10%
2.	Upon payment of 10%	BBA will get issued within 45 days
3.	Upon start of earth filling work	10%
4.	Upon start of sewerage works	10%

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5.	Upon start of storm water line	10%
6.	Upon start of laying of water supply line	10%
7.	Upon start of Internal Road works	20%
8.	Upon start of electrification works	10%
9.	Upon start of landscape works	10%
10.	On receiving of completion certificate or offer of possession	10%

3. Therefore, above newspaper advertisement is in violation of the RERA provisions and rules framed thereunder.

4. The matter was taken up by the Authority on 08.04.2026, the Authority decided that Managing Director/ one of the Directors of the promoter company be personally present on next date of hearing to explain the above. A copy of the said orders be sent to the promoter through registered post & mail. Delivered through mail on 04.05.2026.

5. The promoter vide letter dated 12.05.2026 informed that the advertisement dated 29.03.2026 published in the newspaper (Ambala Bhaskar) was issued solely by one of their agents on his own cognizance and without any authorization from the company. The company has no concern or relation whatsoever with the said advertisement.

They further submitted that due to unforeseen circumstances, the Director of the company is presently unavailable. However, the Authorized Signatory along with the Counsel shall remain present before the Hon'ble Authority on 13.05.2026. It was also submitted that the Director of the company shall be present on the next date fixed by the Hon'ble Authority.

6. The Authority, on 13.05.2026, imposed a cost of ₹1 Lac for non-appearance of the Director and further directed the promoter to show cause as to why penalty may not be imposed under Section 61 of the Act? The Director of the company shall be present on the next date of hearing.

7. Vide reply dated 06.07.2026, the promoter has submitted an affidavit mentioning that payment plan different from the one duly approved and registered with the Authority was inadvertently mentioned which was under the provisions of the Real Estate (Regulation and Development) Act, 2016 and the Rules and Regulations framed thereunder. That the aforesaid advertisement was issued by a property agent on his own accord owing to inadvertent lack of knowledge and understanding of the payment plan approved at the time of registration of the project. The publication was neither deliberate nor intentional and was not made with any mala fide intention to contravene the provisions of the Real Estate (Regulation and Development) Act, 2016, or any other applicable law, nor was it intended to mislead any prospective allottee, purchaser or member of the general public.

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8. They further stated that the aforesaid advertisement was issued solely on his own responsibility and without obtaining any prior approval, authorization or instructions from Madhuban Colonizers Private Limited. The Company had no knowledge, involvement or participation whatsoever in the issuance or publication of the said advertisement and cannot, in any manner, be held responsible for the same. That immediately upon the matter being brought to the notice of Madhuban Colonizers Private Limited, he was called upon to explain the circumstances leading to the publication of the aforesaid advertisement. The Company has categorically advised and cautioned him to ensure strict adherence to the provisions of the Real Estate (Regulation and Development) Act, 2016, and all other applicable laws, rules and regulations while undertaking any promotional or marketing activities in relation to the project.

They undertake that no such omission, mistake, unauthorized publication or deviation from the approved project details shall ever be repeated in future.

9. That in order to rectify the inadvertent mistake, they have issued a fresh advertisement which was published in the newspapers Times of India and Ambala Bhaskar dated 17.05.2026 and 24.05.2026 respectively, incorporating the payment plan duly approved and registered with HRERA, Panchkula.

10. They further requested to waive off the cost of ₹ 1 lac imposed for non-appearance of the Director of company for which they had already filed an application seeking exemption from personal experience on 12.05.2026 since he was suffering from severe cough and high fever.

11. After considering the reply filed by the promoter, the Authority on 15.07.2026, rejected the request of the promoter to waive off the said cost and directed the counsel to deposit the same during the course of the day. The said cost of ₹1 lac was deposited by the promoter during the course of day, which is taken on record. Further, since the promoter has violated the condition of the registration certificate by publishing the wrong payment plan, however the same has now been rectified by publishing the corrected one in the newspapers as stated above, therefore, taking a lenient view in the matter, the Authority decides to impose a cost of ₹5 Lac on the promoter, which should be deposited before the next date of hearing. Further, the promoter is directed to submit complete details of property dealer along with his RERA registration certificate who advertised the same, so that action as per law could be taken.

12. On the last date of hearing i.e., 26.08.2026, neither anyone appeared nor any reply has been filed. Taking note of the same, the Authority directed to send a copy of this order to the

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promoter through mail and registered post and grants them the last opportunity to file reply failing which the Authority may initiate coercive action against the promoter builder.

13. Vide reply dated 12.10.2026, the promoter has submitted representation seeking waiver of cost of ₹5 Lac imposed on the promoter on the following grounds:-

a. *Determination of the Promoter's Liability for the Impugned Advertisement*
That the Promoter, vide its letter dated 12.05.2026 submitted its reply and affidavit dated 06.07.2026, consistently submitted that the impugned advertisement was independently published by the concerned property dealer without the Promoter's prior approval, authorisation or instructions.Upon becoming aware of the discrepancy, the Promoter sought an explanation from the dealer, cautioned him against such conduct and undertook to prevent its recurrence.
That paragraph 11 of the order dated 15.07.2026 records that the payment plan was rectified through advertisements published in The Times of India dated 17.05.2026 and Ambala Bhaskar dated 24.05.2026. The said order further directs the Promoter to furnish the dealer's particulars and registration certificate for appropriate action in accordance with law.
The Real Estate (Regulation and Development) Act, 2016 recognises real estate agents as independently regulated entities. Sections 9 and 10 prescribe independent statutory obligations for real estate agents, including the prohibition against unfair trade practices such as making false or misleading representations, while Section 62 provides for a specific penalty for contravention of Sections 9 and 10. The statutory scheme, therefore, recognises the independent responsibility of a real estate agent for conduct falling within the scope of these provisions.
Section 12 addresses false or incorrect statements in advertisements issued by the Promoter and provides a remedy to an allottee who has made an advance or deposit in reliance upon such an advertisement and wishes to withdraw. Significantly, Section 12 does not expressly provide that the acts or omissions of an independent real estate agent shall automatically be attributable to the Promoter or constitute a contravention by the Promoter.
Accordingly, the mere fact that an advertisement concerns the Promoter's project cannot, by itself, conclusively establish the Promoter's liability without examining the Promoter's involvement, authorisation, approval or adoption of the advertisement. The specific defence that the dealer acted independently, without the Promoter's authorisation, therefore warrants determination on the basis of the applicable statutory provisions and the evidence on record.
In these circumstances, the finding attributing publication of the incorrect payment plan to the Promoter merits reconsideration in light of the dealer's alleged independent conduct, the absence of prior authorisation, the corrective measures undertaken and the applicable statutory framework.

b. *Lack of Reasoned Justification for Imposition of the Penalty*
That the order acknowledges the Promoter's reply and subsequent rectification of the payment plan; however, it does not adequately explain the basis for imposing ₹5,00,000 or the factors considered in determining the amount. The exercise of statutory discretion must be supported by reasons, taking into account the nature of the contravention, the circumstances in which it occurred, the corrective measures undertaken and the relevant mitigating factors. The imposition of a substantial monetary penalty despite the recorded rectification and the observation that a

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lenient view" was being taken warrants reconsideration through a reasoned determination.

c. *Non-Consideration of the Promoter's Submissions in Accordance with the Principles of Natural Justice*
That Section 38(2) of the Real Estate (Regulation and Development) Act, 2016 requires the Authority to be guided by the principles of natural justice. The Promoter's reply and affidavit dated 06.07.2026 specifically raised the defence of the dealer's independent conduct, absence of authorization and subsequent rectification.
Although the order acknowledges the reply and corrective advertisements, it does not adequately determine the aforesaid defence or explain the basis for attributing liability to the Promoter. The Promoter, therefore, requests consideration of these submissions through a reasoned order. Pending such determination, the direction to deposit 25,00,000 and the threatened coercive action may kindly be kept in abeyance.

d. *Whether the Alleged Breach of the Registration Conditions is Established*
That the stand of the Promoter has remained consistent throughout the proceedings and is duly supported by the documents placed on record. It has been consistently submitted that the alleged discrepancy originated from the independent actions of the agent, without any involvement or authorisation on the part of the Promoter. The same position has been maintained in all written submissions, prayers and during the meetings before the Hon'ble Authority. The supporting documents have also been furnished on record, and no contrary material has been brought to the Promoter's notice to establish its involvement in the alleged violation. Accordingly, it is respectfully submitted that the alleged breach cannot be attributed to the Promoter in the absence of material establishing its role or responsibility.

e. *Corrective Measures and Mitigating Circumstances*
That the Promoter has rectified the discrepancy by publishing the approved payment plan in The Times of India dated 17.05.2026 and Ambala Bhaskar dated 24.05.2026. The Promoter has also furnished its explanation, affidavit and undertaking dated 06.07.2026, assuring compliance with applicable legal and regulatory requirements. The Promoter has already complied with the earlier direction to deposit 31,00,000. The particulars of the concerned property dealer, along with the available supporting documents, are attached herewith for the consideration of this Hon'ble Authority and appropriate action in accordance with law.
Further, as submitted by the Promoter, no allottee was misled, no booking was made on the basis of the incorrect payment plan and no financial gain accrued to the Promoter from the discrepancy. The Promoter respectfully submits that its cooperation, corrective measures and the aforesaid mitigating circumstances warrant waiver or, alternatively, substantial reduction of the penalty
In view of the foregoing submissions, the Promoter requested to take the present response, along with the particulars of the concerned property dealer and supporting documents attached herewith, on record and reconsider the finding attributing publication of the incorrect payment plan to the Promoter. The Promoter further humbly requests that the penalty of ₹ 5,00,000/- be waived in view of the dealer's independent conduct, subsequent rectification, the Promoter's cooperation and the mitigating circumstances explained hereinabove.

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14. After consideration, the request of the promoter to waive off the cost of ₹5 Lac imposed on the promoter is hereby rejected. Further on examination of reply, it is observed that neither the copy of original newspaper has been submitted in which correct payment plan was published nor the particulars of the concerned property dealer, along with the available supporting documents, are attached with the reply as averred by the promoter. The Authority, therefore, directs the promoter to deposit the cost alongwith reply on the above before the next date of hearing. Further, the promoter should submit a copy of BBA, Details of bookings made till date by way of an affidavit and show cause as to why forensic audit of the project be not conducted to establish the fact that payments are taken from the allottees as per the payment schedule given by them to the Authority or is there any other discrepancy in the project or not.

15. Adjourned to **09.12.2026**



True copy

Secretary (Acting),
HRERA, Panchkula

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

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