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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. 335.37

Complaint against the company namely Rama Krishna Buildwell Private Limited and its Directors namely Mr. Satish Kumar Luthra and Ms. Kavita Luthra.

Reg. No.: **HRERA-PKL-SNP-258-2021 dated 03.09.2021 Valid upto 01.12.2022. First Extension granted upto 01.12.2023 and HRERA-PKL-SNP-259-2021 dated 02.09.2021 valid upto 31.12.2022. First Extension granted upto 31.12.2023.**

1. A complaint dated 12.11.2025 was received from Sh. Om Prakash mentioning therein following facts/ documents: -

a. *That Rama Krishna Buildwell Private Limited and its Directors Namely Mr. Satish Kumar Luthra and Ms. Kavita Luthra (hereinafter referred as the Promoter) had registered 2 project namely "PRESIDIA HEIGHTS", situated at Divine City, Nh-1, 16th Mile Stone, Sonipat, Haryana vide HRERA-PKL-SNP-258-2021 Lapsed Project, Project ID RERA-PKL-786-2019 valid upto 01/12/2023 for group housing project and another project namely RESIDENTIAL TOWNSHIP, situated at Sector-7 & 13, 16TH Mile Stone, NH-1, Ganaur, Sonipat, Haryana vide HRERA-PKL-SNP-259-2021 Lapsed Project, Project ID RERA-PKL-789-2019 valid upto 31/12/2023 for residential plotted colony.*
b. *That the Promoter had made an advertisement vide dated 18.10.2025 in the newspaper namely Dainik Bhasker for sale of plots in the Said project wherein the Promoter had mentioned HRERA certificate No. HRERA-PKL-SNP-258-2021 and HRERA-PKL-SNP-259-2021 for sale of plots in the project as mentioned PHASE-2 LUNCHED in the Divine City. The original newspaper is attached.*
c. *That the License No. 60 of 2007, dated 03.02.2007, area measuring 5 Acres was issued for setting up a Group Housing Colony and the License No. 263 of 2007, dated 03.12.2007 was issued for setting up a Residential Plotted Colony for area measuring 52.906 Acres. He has mentioned that both licenses are different in nature.*
d. *That relying upon the said advertisement, the complainant had approached the promoter to purchase the plot in the proposed project as mentioned PHASE -2 LUNCHED in the Divine City.*
e. *That the Promoter had provided the payment schedule of the selling plots in the said Project.*

f. *That the Promoter had told the complainant that they have no plot in the HRERA registered project which was mentioned in the said advertisement. They are only selling the plot in adjoining land which they had applied in the office of the DTCP, Haryana for grant of license.*

g. *The complainant had investigated online portal of the DTCP, Haryana. The Promoter had applied for grant of license in the office the Director Town and Country Planning Haryana, Chandigarh.*

h. *That they submitted two Layout plans, one approved by the DTCP, Haryana and duly uploaded in HRERA portal and other is applied license land. Further, we are submitting Group Housing Plan with this application which is uploaded in HRERA online portal.*

i. *That the DTCP had issued a Letter of Intent for grant of license for setting up Residential Plotted Colony on additional land measuring 15.75 Acres (in addition to license No. 263 of 2007, dated 03.12.2007) falling in Sector -7 and 13, Ganaur, Sonepat vide Memo dated 25.08.2025.*

j. *That it is clear that the Promoter is selling the plots without obtaining license and without registration of the HRERA. The Promoter had published false advertisement in the newspaper. The Promoter is making false practise to sale the plots to prospective buyers in their project.*

k. *That the Promoter is not having licenses and HRERA certificate for selling plots. The Directors of the company are dealing and asking to book the plots in proposed project on lapsed and wrong HRERA certificate. That the Promoter is selling plots on basis of group housing project HRERA registration basis. The Promoter is cheating with general public.*

l. *That the Promoter may submit application for grant of HRERA certificate on the basis of the said LOI after grant of license from the office of DTCP, Haryana. Thus, in view of the afore stated submissions, the complainant requested to take appropriate action against the promoter according to RERA Act and Regulation and kindly ban the sale on the basis of false advertisement vide dated 18.10.2025 in the Dainik Bhasker newspaper for sale of plots in the said project wherein the Promoter had mentioned HRERA certificate No. HRERA-PKL-SNP-258-2021 and HRERA-PKL-SNP-259-2021 for sale of plots in the project as mentioned PHASE - 2 LUNCHED in the Divine City at earliest in public interest.*

2. The Authority on 26.11.2025 decided to issue a show cause notice to the promoter for violating the provisions of Section 3(1) of the RERD Act, 2016 and advertising and marketing the project without getting registration. A copy of the same was also endorsed to DTCP, Haryana. Further, the promoter was also barred from effecting any sale in the unregistered project. A public notice in two local newspapers be got published by the office for the information of general public not to book any plot in the unregistered project.

3. In compliance of the above orders dated 26.11.2025, show cause notice dated 27.01.2026 was issued to the promoter with a copy endorsed to DTCP, Haryana. Public notice dated 11.02.2026 was issued in the newspapers.

4. Neither on 11.02.2026 nor till last date i.e., 29.04.2026, reply of show cause notice dated 27.01.2026 was received from the promoter. However, Adv. Tarun Ranga appearing on

Haryana Real Estate Regulatory Authority ★ Panchkula ★

217

behalf of the promoter and requested that a copy of complaint be supplied to him for filing comments. The Authority directed the office to provide a copy to the learned counsel with the direction to submit reply, a week before the next date of hearing.

5. In view of the above orders, copy of complaint was supplied to the counsel after the meeting on 29.04.2026.

6. Vide reply dated 06.07.2026, the promoter has submitted as under: -

a) That the present complaint is false, frivolous, and not maintainable in *the eyes of law. The complainant has not approached this Hon'ble Authority with clean hands and has concealed true and material facts. It is further submitted that the name, address, and particulars furnished by the complainant appear to be incorrect and bogus, thereby casting serious doubt upon the authenticity and maintainability of the present complaint.*

b) *That the various claims raised by the complainant are fictitious, baseless, incorrect, and have been deliberately created to misrepresent and mislead this Hon'ble Authority. The present proceedings are nothing but a misuse and abuse of the process of law, instituted with the sole intention to harass and cause unnecessary hardship to the Promoter. That none of the reliefs as prayed for by the complainant are sustainable either before this Hon'ble Authority or in the eyes of law. Hence, the present complaint deserves to be dismissed at the very threshold with the imposition of exemplary costs for wasting the precious time and resources of this Hon'ble Authority.*

c) *That the advertisement dated 18.10.2025 published in the newspaper namely Dainik Bhaskar was merely informative and general in nature, intended only to inform the public regarding the project. The said advertisement did not offer sale of any plots on the basis of the alleged HRERA Certificate Nos. HRERA-PKL-SNP-258-2021 and HRERA-PKL-SNP-259-2021.*

d) *As alleged by the complainant, he has never approached the Promoter for purchase of any plot in Project Divine City and the Promoter had never provided the Complainant any Payment Schedule of any kind for purchase of any plot in Project Divine City. The complainant is making up incorrect and baseless facts.*

e) *The Promoter has never sold any plots in any project without obtaining a valid registration certificate from the Authority. It is further submitted that the said advertisement was merely informative and general in nature and did not amount to any offer for sale. It is further submitted that none of the Directors or representatives of the Company have ever induced or asked any allottee to book plots in the project without obtaining the requisite registration certificate from the Authority. The Promoter is a law-abiding entity and has at all times adhered to the applicable provisions of law, rules, and regulations governing real estate projects.*

f) *Promoter shall definitely obtain registration from RERA Panchkula after grant of license from the Town & Country Planning Department, Haryana and no unit/plot shall be booked without prior registration from the Authority*

He prayed that the Authority may kindly:

a) Dismiss the present application as not maintainable;

b) Take penal action against the complainant for filing a false and frivolous complaint.

Haryana Real Estate Regulatory Authority ★ Panchkula ★

7. The Authority on 15.07.2026, after considering the reply filed by the promoter and averments made by the counsel, observed that the promoter has published a misleading advertisement in the newspaper mentioning "Phase II Launched" however, it has not been registered with the Authority as yet. Further, the registration of earlier registered projects have also lapsed. The promoter should file extension of the projects. Further, it has been mentioned in the advertisement that there is a 5 star hotel and mall in the said project. It appears that the promoter has not taken registration of the said commercial sites, therefore status of approval of the said area alongwith zoning plan & building plans be submitted before the next date of hearing. The promoter is further directed to show cause as to why penalty under Section 59 of the RERD Act, 2016 be not imposed for advertising the said phase without registering the same as per provisions of the Act.

8. Vide reply dated 26.08.2026, the promoter has informed that in compliance with the aforesaid directions of the Authority, the extension for the registered projects, namely Residential Township and Presidia Heights is being applied. That the occupational certificate (OC) in respect of the commercial component of the project, comprising the 5-Star Hotel and Mall, has already been duly granted by the Directorate of Town and Country Planning (DTCP) on 20.09.2024. The said Occupational Certificate has been issued by the competent authority after due verification and compliance with the applicable statutory requirements and is enclosed for the kind perusal and consideration of the Authority.

They further submitted that the construction of the aforesaid commercial component has been carried out in accordance with the sanctioned building plans, approved layout plans and other permissions granted by the competent authorities from time to time.

Therefore, they submitted that the 5-Star Hotel and Mall have not been constructed without requisite approvals or in an unauthorized manner. The construction has been undertaken pursuant to the permissions and approvals granted by the competent authorities, and the issuance of the Occupational Certificate for the commercial component may be taken on record as evidence of the completion and approval of the said construction.

In view of the facts and circumstances stated hereinabove, the promoter prayed that to take the present reply and the documents annexed herewith on record and consider the compliance made by the Promoter with the directions contained in the order dated 15.07.2026.

They further prayed that, in view of the approvals granted by the competent authorities and the Occupational Certificate dated 20.09.2024 issued by the DTCP in respect of the commercial component, the explanation furnished by the Promoter may kindly be

Haryana Real Estate Regulatory Authority Panchkula

417

accepted. Accordingly, the proposed action under Section 59 of the RERD Act, 2016 may kindly be dropped, and the present matter may be disposed of accordingly.

9. The Authority on the last date of hearing i.e., 26.08.2026 directed the promoter to seek registration of the said commercial sites, and submit the zoning plan & building plans before the next date of hearing. Further, since the promoter has published a misleading advertisement in the newspaper mentioning "Phase II Launched" therefore, the promoter should show cause as to why a penalty amounting to ₹10 Lakhs under Section 59 of the Act be not imposed on the promoter for violating the provisions of Section 3 of the Act.

10. Vide reply dated 13.10.2026, the promoter has submitted that the alleged contravention, even assuming the advertisement to constitute an infraction requiring explanation, does not warrant imposition of the proposed penalty of Rs. 10,00,000/-, particularly in view of the facts and circumstances explained hereinbelow.

a. *The advertisement did not result in any sale, booking, allotment or collection of money*

   The advertisement in question was not accompanied by, nor did it result in, any actual sale, booking, allotment or execution of any agreement for sale in respect of any plot in the subject project. That no plot was sold by the Promoter without obtaining the requisite registration from the Authority and that no Director or representative of the Company had induced or asked any person to book or purchase any plot in the project without the requisite registration. Therefore, there is no allegation or material on record demonstrating that the impugned advertisement was followed by any transaction resulting in monetary loss, prejudice or detriment to any allottee.

b. *There was no intention to circumvent the provisions of the Act*

   There was no deliberate or wilful attempt to circumvent Section 3 of the Act. The expression "Phase II Launched" appearing in the newspaper advertisement was not intended to represent to the public that plots in an unregistered project could lawfully be sold or booked in contravention of the Act. The Promoter has throughout maintained that it would undertake booking/sale only after obtaining the requisite registration.

   The subsequent conduct of the Promoter also demonstrates its bona fides. Rather than continuing any activity contrary to the statutory framework, the Promoter has taken steps towards obtaining the requisite approvals and complying with the directions issued by the Authority.

   The conduct of the Promoter, therefore, is fundamentally different from a case involving deliberate marketing, booking and sale of units in an unregistered project.

c. *The commercial component had already received approval from the competent planning authority*

Haryana Real Estate Regulatory Authority * Panchkula *

S17

The advertisement also referred to the commercial component comprising the 5-Star Hotel and Mall. The registration of the commercial component had been duly granted under Registration No. HRERA-PKL-SNP-259-2021 on 02.09.2021. Further, the Occupational Certificate in respect of the said commercial component was duly granted by the Directorate of Town and Country Planning, Haryana (DTCP) on 20.09.2024, and the same was submitted before this Hon'ble Authority on 26.08.2026. The construction of the said commercial component was undertaken pursuant to the permissions, sanctioned building plans, approved layout plans granted by the competent authorities.

Thus, the commercial component referred to in the advertisement was not an unauthorised or clandestine construction. The competent authority had already verified compliance with the applicable requirements and issued the Occupational Certificate.

d. *Subsequent compliance demonstrates bona fide conduct*

The Promoter has also taken steps for extension of the registrations of the earlier registered projects, namely "Residential Township" and "Presidia Heights". The application for Project extension for each project was submitted to the Authority on 26-08-2026. Promoter has further submitted the requisite documents before the Authority in support of the approvals pertaining to the commercial component. The subsequent conduct of the Promoter is thus one of compliance, and not of continued violation.

e. *Section 38(2) of the Act expressly provides that the Authority shall be guided by the principles of natural justice.*

The requirement of natural justice is not confined merely to providing an opportunity of hearing. It also requires the statutory discretion relating to penalty to be exercised upon consideration of the relevant circumstances placed before the Authority.

f. *No continuing violation has been established*

The present matter does not involve a case where; despite being put to notice by the Authority, the Promoter continued to advertise, book or sell the project in violation of Section 3. On the contrary, the record reflects that the Promoter has participated in the proceedings and has furnished its explanation and supporting documents before the Hon'ble Authority. The purpose of RERA would not be advanced by imposing the proposed penalty in the present facts. The object of the Act is to ensure transparency, protect the interests of allottees and regulate the real estate sector. The Promoter fully respects and adheres to the said statutory framework.

In the present case, however, there is no material demonstrating that any allottee was induced into parting with money, that any plot was sold without registration, or that any purchaser suffered prejudice as a consequence of the advertisement. In these circumstances, imposition of a substantial monetary penalty of Rs. 10,00,000/- would not serve any further regulatory purpose, particularly when the Promoter has already taken steps towards compliance.

Haryana Real Estate Regulatory Authority ★ Panchkula ★

g. *Without prejudice, the proposed penalty is disproportionate to the circumstances of the alleged infraction*

Without prejudice to the primary submission that no penalty ought to be imposed, it is respectfully submitted that the proposed penalty of Rs. 10,00,000/- is disproportionate having regard to the nature and circumstances of the alleged violation.

The Authority may kindly consider that the advertisement was a single newspaper publication, and there is no finding of actual sale, booking, allotment or receipt of consideration pursuant thereto. There is also no material demonstrating that any purchaser was induced to enter into a transaction or that the Promoter obtained any wrongful monetary benefit from the publication.

The penalty provision under Section 59 is therefore required to be applied with due regard to the actual nature, extent and consequences of the alleged contravention rather than mechanically.

In view of the facts and submissions made hereinabove, the promoter prayed the Authority to take the present reply on record. They prayed that the same may kindly be reconsidered in light of the mitigating circumstances, the absence of any sale/booking or monetary prejudice, the bona fide conduct of the Promoter and the subsequent compliance, and the penalty may not be imposed at the proposed amount of Rs. 10,00,000/-

11. After consideration, the request of the promoter to waive off the penalty of ₹10 Lac imposed on the promoter is hereby rejected. Further on examination of reply, it is observed that the promoter has not pursued the extension applications filed by them as stated in the preceding paras since auditors and public notice fee have not been deposited yet, as conveyed vide the letters dated 21.09.2026. The Authority therefore directs the promoter to deposit the penalty alongwith reply on the above before the next date of hearing.

12. Adjourned to **09.12.2026.**

Haryana Real Estate Regulatory Authority
Despatch No 3037
Date 4/1/26
PANCHKULA

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.

7/7