



HARYANA REAL ESTATE REGULATORY AUTHORITY, PANCHKULA.

Mini Secretariat (2nd and 3rd Floor), Sector-1, Panchkula.

Telephone No: 0172-2584232, 2585232

E-mail: officer.rera.hry@gmail.com, hrerapl-hry@gov.in

Website: www.haryanarera.gov.in

Extract of the resolution passed by the Haryana Real Estate Regulatory Authority, Panchkula in its meeting held on 03.04.2024.

Item No. 248.09

Extension of registration for the first year U/s-6 and continuation of registration for the second year U/s-7(3) of RERD Act, 2016.

Promoter: Akashganga Township Pvt. Ltd.

Project: Residential Plotted Colony on land measuring 31.193 acres falling in the revenue estate of Village Ratia, Sector- 6, Fatehabad.

Reg. No.: HRERA-PKL-FTB-192-2020 dated 05.03.2020 valid upto 31.10.2020.

Temp ID: 688 of 2019.

1. The promoter vide letter dated 31.05.2023 applied for extension for first year U/s-6 and continuation of registration for second year u/S-7(3) of RERD Act,2016.
2. When the matter was heard by the Authority in its meeting held on 19.06.2023, vide item no. 216.06 whereby promoter was asked to submit following documents:

- i. *Demarcation and zoning plan, service plan estimates and environment clearance, if required.(Copy of revised layout and Zoning submitted vide reply dated 22.08.23)(Copy of approved service plan estimates dated 07.06.23 submitted vide reply dated 05.01.24)*
- ii. *Architect and engineer certificate.(C.A Certificate dated 15.07.23 , Architect certificate dated 07.03.23 submitted vide reply dated 22.08.23)*
- iii. *Audit of project be got done from empanelled CA firms as well as notice in newspapers be got published for inviting objections from general public.(On 11.09.23,M/s S.P Chopra & Co. was appointed to conduct audit and public notice was issued in newspapers on 26.08.23)*
- iv. *Resolution plan for completion of project.*

Vide Reply dated 22.08.2023, it was informed that the promoter has applied for completion of services to the DGTCP on 11.01.2023.However, copy of demarcation



(14)

plan, resolution plan has not been submitted yet. In regard to the public notice published on 26.08.23, objections have been raised by Sh. Rajinder Singh Chahal (Kindly see the noting at page 9 for objections raised by Sh. Rajender Singh Chahal.) The fee paid for first extension and continuation of registration is in order.

- v. The Authority in its meeting held on 28.08.2023 vide item no.224.06 where the Authority had asked *the promoter to intimate it whether consent of 2/3rd allottees was obtained or not of the revised plan. The Authority had also observed that there is a inconsistency between the certification of CA and that of Architect and Engineer. The report of CA dated 15.07.2023 mentions that remaining works upto June 2023 of Rs 43.41 lacs are to be executed whereas the Architect and the Engineer certifies that all infrastructural works have been carried out (dated 07.07.2023). The Authority has also questioned that how the promoter has applied for completion when works of Rs. 43.41 lacs are yet to be executed and also asked the promoter to explain the position. The Authority has also directed the promoter to provide the copy of approved estimates and status of renewal of license.*

Vide reply dated 05.01.24, the promoter has submitted that the amount of 7.73 lacs is payable to the contractor hired for installation of Sewerage Treatment Plant upon successful completion of 3-year period Other Costs of Rs. 38.68 lacs which includes IDC of Rs. 30.53 lacs which was paid on 01.09.2023 and administrative costs of the Company including payment of salaries till Completion Certificate is received.

3. In its meeting held on 30.10.2023 vide item no.231.39 *“After consideration, Authority decided that a copy of objection received from Sh. Rajinder Singh Chahal be sent to promoter for comments and directed the promoter to intimate whether consent of 2/3rd allottees was obtained or not of revised plan as decided in the meeting held on 28.08.2023. Status of renewal of license be also submitted.”*

A copy of objection vide letter dated 29.11.2023 was sent to the promoter as per orders of the Authority on 30.10.2023 and the promoter submitted his reply against the objections raised by Sh. Rajinder Singh Chahal.

4. The promoter vide reply dated 05.01.2024 submitted that in adherence with the DTCP policy, objections regarding change in Layout Plan of the township were invited through newspaper advertisements and sending individual notices to plot holders. Upon fulfillment of all conditions of the Hon'ble DTCP Authority including seeking objections from 2/3 of the allottees, License No. 19 of 2016 dated 11.11.2016 was granted and revised layout plan of the township for the additional land of 4.975 acres was approved. Copy of renewal of license fee, copy of approved service estimates are enclosed with reply dated 05.01.2024.



5. On 24.01.2024 vide item no. 239.47, the Authority observed that third extension of project has also become due. The Authority decided the following:

- i. *Promoter should apply for third extension also by depositing requisite extension fee of Rs.3,51,679/-*
- ii. *Due to change of layout plan, consent of 2/3rd allottees is required as per RERA Act,2016*
- iii. *CA firm M/s SP Chopra and Co. be issued reminder by Project Section for early submission of audit report.*
The promoter has not submitted any reply till date regarding the observations and directions conveyed by the Authority on 24.01.24.

6. An Audit report by M/s S.P. Chopra & Co. dated 07.02.2024 has been received in the Authority on 13.02.2024. The Auditor has submitted the following observations along with photographs of the site :

- i. *The separate RERA bank account of the project was not found to be maintained and the receipts from plot holders were found to be made in 3 bank accounts, in which the other receipts were also being made. The receipts/collection of the Project were made in the existing bank accounts, however, these collections were completely recorded / accounted in the books of accounts.*
- ii. *The substantial collections of Rs. 887.25 lakhs i.e. 51.00% of total receipts was received in cash. As informed, out of said cash collection of Rs. 887.25 lakhs, cash of Rs. 769.35 lakhs was deposited in the bank, and, the balance cash of Rs. 117.90 lakhs was utilised towards expenditure related to the project. The amount received from the allottees and its recording in the accounts and/or deposit in the bank has been verified.*
- iii. *Provisions of Section 4(2)(1)(D) of RERA Act,2016 were generally found to be followed.*
- iv. *The certificates by an engineer, an architect and a chartered accountant in practice that the withdrawal is in proportion to the percentage of completion of the project, if any obtained, were not provided / held on record.*
- v. *The Company had received Rs. 250.00 lakhs from HUDCO on 18.03.2009 as borrowings . As in most of these cases, the evidence of the receipt of the material / services was not on record, and the billing and the payment thereof was made within a short span of time, authenticity of these expenses vis-à-vis payments could not be established.*
- vi. *A visit was conducted to the site of the Project on 14.12.2023 and it was noted that area designated for the hospital has not been used for its purpose and acquired by the adjacent plot owner which needs demarcation and vacated / treated as per norms/layout plan.*



vii. As per layout plan, the community sites (1 Nursery School, 1 Taxi Stand, 2 Clinic, 2 ATM, 2 Beauty Parlours, 2 Multi Purpose Booths, 2 Milk and Vegetable Booths and 2 nursing Homes) are to be constructed, however, the same are not yet constructed.

viii. As per the detail provided there are 300 plots, out of which 276 plots have been sold, and balance 24 plots (including 11 plots of EWS category) are lying unsold.

7. Authority observes that promoter is not maintaining separate RERA account and certificates from an Engineer, an Architect and a Chartered Accountant that withdrawal of amount is in proportion to percentage of completion of projet are not being maintained.

8. After consideration, Authority decided that a copy of audit report be sent to promoter for comments. As per RERD Act, 2016, consent of 2/3rd allottees is required to make changes in layout plan. Promoter should submit detailed para wise reply of audit report duly supported with relevant documents, submit consent of 2/3rd allottees agreeing for proposed changes in layout plan and promoter should also comply the direction of Authority dated 24.01.2024.

9. Adjourned to 15.05.2024.



True copy

Executive Director,
HRERA, Panchkula

*am...
22/4/24.*

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

CA (Kakul)