



**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 15.05.2024.**

**Item No. 253.10**

**Extension of registration for the first year U/s-6 and continuation of registration for the second year U/s-7(3) of RERA 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.**

**Present: Mr. Jyoti Sidana, Authorized Representative.**

1. M/s Akashganga Township Pvt. Ltd. vide letter dated 31.05.2023 applied for extension for first year u/s-6 and continuation of registration u/s-7(3) of RERA Act, 2016. If considered by the Authority along with covid period of 9 months, the registration would be valid upto 31.07.2023.

2. The promoter vide letter dated 14.03.2024 has paid extension fee of Rs.3,51,679/- for the third year as directed by the Authority on 24.01.2024. Now, the fee paid for first extension and continuation of registration for the first year and second year is in order.

3. The Authority in its meeting held on 19.06.2023 vide item no. 216.06 was directed to submit the following :

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 approval of service plan estimates dated 07.06.23 and service plans 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.*

In regard to the public notice published on 26.08.23, objections have been raised by Sh. Rajinder Singh Chahal and a copy of objections was sent to promoter vide letter dated 29.11.2023.

4. The Authority in its meeting held on 28.08.2023 vide item no. 224.06 had asked *the promoter to intimate it whether consent of 2/3<sup>rd</sup> 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 Authority has also directed the promoter to provide the copy of approved estimates and status of renewal of license."* Copy of approval of service plan estimates dated 07.06.23 and service plans submitted vide reply dated 05.01.24.

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 2/3<sup>rd</sup> 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.*

6. An Audit report by S.P. Chopra & Co. dated 07.02.2024 has been received in the Authority on 13.02.2024.

7. On 03.04.2024, vide item no. 248.09, the Authority after examining the audit report observed *"promoter is not maintaining separate RERA account and certificates from an Engineer, Architect and a Chartered Accountant that withdrawal of amount is in proportion to percentage of completion of project are not being maintained"*

After consideration, Authority decided *"a copy of audit report be sent to promoter for comments. As per RERA Act, 2016. Consent of 2/3<sup>rd</sup> 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 2/3<sup>rd</sup> allottees for proposed changes in layout plan and promoter should comply with the directions of Authority dated 24.01.2024."*



8. Vide letter dated 14.03.2024, the promoter has submitted the following regarding observations conveyed on 24.01.2024 :

- i. A payment of Rs.7,03,358/- vide UTR No. HDFCR52024031387873653 was made on 13.03.2024 towards extension of project for the following periods which is in order. (copy of receipt enclosed):  
From 01.08.2023 to 31.07.2024 – Rs.3,51,679/-  
From 1.08.2024 to 31.07.2025 – Rs.3,51,679/-.
- ii. In respect of 2/3<sup>rd</sup> allottees due to change in Layout Plan, objections for change in Layout plan of the Township were invited by way of publishing advertisements in newspapers and sending notices to plot holders. The revised layout plan of the township was approved by DTCP after fulfilling all necessary conditions.(copy of newspaper clips enclosed)

9. A suo-motu complaint No. 3093 of 2022 against the promoter for not applying for extension of the registered project was last heard on 31.01.2024 wherein a penalty of Rs. 5 lacs u/s-60,61 and 63 of the RERA Act,2016 was imposed for delay in applying for extension of the project. Penalty of Rs. 5 lacs has not been deposited by the promoter till date. The suo-motu matter was listed for hearing on 15.05.2024.

10. It is pertinent to state that -

- i. In respect of reply submitted regarding consent of 2/3<sup>rd</sup> allottees due to change of layout plan, consent of 2/3<sup>rd</sup> allottees is required as per RERA Act,2016,publishing advertisement in newspapers and sending notices to plot holders does not mean consent of 2/3<sup>rd</sup> allottees has been received.
- ii. The promoter should provide status as to renewal of license No. 224 of 2007 dated 19.09.2007.
- iii. 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 which has not yet granted.
- iv. Copy of demarcation plan, resolution plan has not been submitted yet.
- v. Copy of Service Estimates should be submitted by the promoter in compliance of orders of the Authority dated 19.06.2023 and 28.08.2023.
- vi. In Suo-Motu Complaint No. 3093 of 2023 Penalty of Rs. 5 lacs imposed u/S- 60,61 & 63 on 31.01.2024 for not applying for extension in time has not been deposited by the promoter till date.
- vii. No reply has been received till date as to orders of the Authority dated 03.04.2024.



11. Mr. Jyoti Sidana, Authorized Representative sought time for filing reply. Authority acceding to his request adjourned the matter to 07.08.2024 with additional cost of Rs. two lacs. Reply by promoter be submitted at least two weeks before next date of hearing.



True copy

Executive Director,  
HRERA, Panchkula

23/5/24.

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

LA (Kakul)