



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 12.06.2024.

Item No. 257.08

Extension of real estate project u/s 6 of RERA Act, 2016.

Promoter: Tulip Infratech Private Limited.

Project: "Tulip Grand" a group housing colony over an area measuring 15.05 acres Situated in Sector 35, Sonipat, Haryana.

Reg. No.: HRERA-PKL-SNP-93-2019 dated 01.03.2019 (Tower 12) valid upto December 2019 & Tower 13 valid upto December 2023.

Present: Mr. Tarun Ranga, Advocate.

1. The Authority has registered the subject cited project along with the condition that:-
"iii. The promoter shall complete Tower 12 by December 2019 and Tower 13 by December 2023. The Promoter shall also get his licence renewed from time to time till the completion of the project."
2. The promoter vide letter dated 12.12.2023 received on 19.12.2023, has informed that construction of Tower No. 12 has been successfully completed, and they have obtained the Occupation Certificate for the same. They further stated that due to market challenges, the company is unable to commence the construction of Tower No. 13 at this time and the company is planning to complete Tower No. 13 over the next five years to align with more favourable market conditions and thereby requested the Authority to grant them time to apply for extension of registration with the Authority.
3. The above request of the promoter was placed before the Authority in its meeting held on 03.01.2024 vide item no. 237.07 wherein the Authority had decided that the promoter should take up the matter with DTCP for phasing of the project. The promoter should get his registration renewed till the completion of the project.



4. Thereafter, vide letter dated 12.02.2024, the promoter has applied for extension of their real estate project. The matter was placed before the Authority in its meeting held on 21.02.2024 vide item no. 242.18 wherein the Authority has observed that there is no provision in RERD Act, 2016 to grant extension of five years, hence, request of promoter is rejected. There will be ban on the sale in project. Authority further decided that promoter be issued show cause notice under Section-35 read with Section-63 as to why penalty may not be imposed for not completing the project.

5. Thereafter, show cause notice was sent to the promoter on registered email id as well as through registered post.

6. The matter was then considered by the Authority on 10.04.2024, wherein counsel appearing on behalf of promoter stated that reply has been filed today in the registry. Authorized Representative intimated that basement of Tower-13 has been completed.

7. After consideration, Authority decided that reply submitted by promoter be examined by Project Section. Promoter was further directed to submit resolution plan for completion of project as well as cogent reasons for delay.

Now, vide reply dated 10.04.2024, the promoter has stated that they have applied for the extension on 12.02.2024. The said request was listed on 21.02.2024 and Authority denied the extension despite the fact that it falls within its unequivocal discretion u/s 7(3) of the RERD Act, 2016 to raise the bar of expiry and further grant extension provided with certain limitations to be imposed upon the promoter. They submitted that under Section 7(3) of the Act, no specific time frame has been attributed but it gives an ample discretion and liberty to the Hon'ble Authority to apply its wisdom and power to grant extension of registration subject to the terms and conditions it deems fit keeping in mind the interest of the allottee(s) involved therein. That no third party rights have ever been created till date on the tower 13 in question. As common facilities have already achieved its optimum level in the project and phasing of the project for the sale of only solitary tower is not at all feasible in the current scenario, the promoter therefore prayed that in view of the above, the directions given vide Resolution dated 21.02.2024 may very be ordered to be annulled and declare redundant and show cause notice dated 02.04.2024 deserves to be quashed from its inception as per law to meet the ends of justice and fair play.

8. Further, the promoter vide reply dated 10.04.2024 has submitted: -



- a. An Engineer Certificate dated 05.02.2024 showing the percentage of remaining work is 51.73%.
 - b. An Architect Certificate dated 05.02.2024 is annexed showing the percentage of remaining work is 48.77%.
 - c. That the phasing at this stage is impractical as only one tower, i.e., tower no. 13 has left for erection and the balance project is complete in all respects which inter-alia include the completion of the common facilities qua which the occupancy certificate has already been obtained by the proponent which is already on record. Further, the erection of tower no. 13 is already underway. That there are total 11 towers and one community building and out of which 10 are already constructed and occupation certificate qua the same has already been submitted, so construction of only 1 tower, i.e., tower 13 is to be done for which extension is prayed.
 - d. That common facilities for the said project has already been completed. The construction of Block 13 (G+12)/tower-13 has already started and basement roof is completed as on date.
9. The promoter requested for reasonable time for the extension for a period of one year, i.e., till 30.09.2025 of the said project in order to complete the construction of Tower.
10. Ld. Counsel Mr. Tarun Ranga stated that no third party rights in Tower-13 have been created till date and possession of flats will be handed over to the allottees by 31st December, 2026. An affidavit to this effect has been submitted in the registry today. After consideration, Authority decided as under:-
- i. Extension of one year under Section-6 of RERA Act, 2016 in addition to nine months on account of covid period is granted.
 - ii. In BBA with allottees, promoter shall declare that possession will be handed over by 31st December, 2026.
 - iii. Promoter should submit a detailed resolution plan of Tower 13 only showing expected income, expected expenditure and physical progress to be achieved in each quarter of period of extension sought.
11. Adjourned to 04.09.2024.



[Signature]
25/6/24

True copy

[Signature]

Executive Director,
HRERA, Panchkula

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

LA (Shubham)