



**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 28.08.2024.

**Item No. 263.33**

Extension of registration for the first year U/s-6 and continuation of registration 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:** Ms. Priya Sahu, Assistant Manager.

1. The promoter vide letter dated 31.05.2023 applied for extension for first year U/s-6 and continuation of registration u/S-7(3) of RERD Act, 2016. If considered by the Authority along with covid period of 9 months, the registration would be valid upto 31.07.2023. However, vide letter dated 14.03.2024, the promoter has paid extension fee of Rs. 3,51,679/- for the third year as directed by the Authority on 24.01.2024 and has also paid Rs. 3,51,679/- for the fourth year as well. Now, the fee paid for first extension and continuation of registration for the second year, third year and fourth year is in order. If considered by the Authority along with covid period of 9 months, the registration would be valid upto 31.07.2025. QPRs have been filed upto 30.06.2024.

2. The Authority in its meeting held on 19.06.2023 vide Item No. 216.06 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 the promoter vide letter dated 29.11.2023 for their comments.

3. 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 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 approved service plans and estimates submitted vide reply dated 05.01.24)

4. 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.*

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

6. 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."*

Copy of Audit Report along with the orders of the Authority dated 03.04.2024 were sent to the promoter for comments via email dated 30.04.2024.

7. 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)
8. 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 RERD Act,2016 was imposed for delay in applying for extension of the project. The suo-motu matter is now listed for hearing on 25.09.2024.
9. On 15.05.2024, Sh. 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.
10. Vide Reply dated 05.08.2024, the promoter has submitted detailed para wise reply to the Audit Report –
- i. Separate RERA Bank Account for the Project  
Observation - 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.



Reply - Project was registered with HRERA on 05.03.2020 and significant collections were made before the project registration and accordingly were deposited into existing bank accounts. The transactions are fully recorded and accounted in the books of accounts.

ii. Architect, Engineer and C.A Certificates

Observation- 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.

Reply - Architect, Engineer and C.A Certificates are regularly submitted to HRERA in the online quarterly progress reports.

iii. Loan of Rs. 250.00 Lakhs from HUDCO

Observation- 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.(See Page 5 of Audit Report)

Reply- The loan was taken on 18.03.2009 was necessitated by shortage of funds. Payments were made promptly to vendors to avoid delays and pending payments.

iv. Site Visit at Ratia

Observation- 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. 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. 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.

Reply - In regard to construction of wall on the area allocated for Nursing Home, it is constructed for security purposes and shall be demolished before grant of completion of services of the project. The land allocated for hospital construction is currently being used temporarily and temporary structures erected for the use of



township's security guards, gardeners will also be demolished before the project's completion.

11. The promoter also informed that –
- i. 2/3<sup>rd</sup> consent was not required at the time of additional license for plotted Colony. Further, no revision has been made in the said project/layout plan after the grant of said license.
  - ii. Application for renewal of License No. 224 of 2007 dated 19.09.2007 valid upto 18.09.2019 submitted to office of DTCP Haryana vide dated 19.05.2023. Further, the additional License No. 19 of 2016 dated 11.11.2016 is valid upto 10.11.2021 also applied for renewal to the office of DTCP vide dated 24.05.2023.
  - iii. Approval of service plan estimate dated 07.06.2023.
  - iv. DTCP office while revising layout plan during the grant of additional license has revised only Zoning Plan which has been enclosed with the reply.
  - v. Penalty of Rs. 7 Lacs (5 Lacs imposed in Suo-Motu Complaint No. 3093-2022 and Rs. 2 Lacs imposed on 15.05.2024 has been deposited- Payment Receipt attached)
  - vi. Resolution Plan which states that 100% works has been done.
12. On 07.08.2024, the representative of the promoter requested to list the matter on 28.08.2024 as reply has been filed on 05.08.2024, the Authority directed to examine the reply and place it on 28.08.2024 meeting.
13. Authority observes that License No. 224 of 2007 dated 19.09.2007 was valid up to 18.09.2019 and additional license 19 of 2016 dated 11.11.2016 was valid up to 10.11.2021. Hence, Authority decided that promoter should intimate the latest status of renewal of license. Thereafter, request of promoter will be considered.
14. Adjourned to 06.11.2024.



True copy

Executive Director,  
HRERA, Panchkula

17/9/24

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

LA (Kakul)