



**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 23.10.2024.**

**Item No. 267.03**

**Application for extension of registration of project.**

**Promoter: Crown Realtech Private Limited.**

**Project: "Crown Business Park" an IT Park on land measuring 5.868 acres situated in Sector 36, Faridabad.**

**Reg. No.: HRERA-PKL-FBD-179-2019 dated 21.11.2019 valid upto 31.10.2020.**

**Temp ID: RERA-PKL-745-2019.**

1. The Authority has registered the subject cited project on 21.11.2019.
2. Vide letter dated 06.11.2023 received on 19.12.2023, Director/Authorised signatory has submitted representation on behalf of Crown Realtech Private Limited for extension of the registration of the project "Crown Business Park" situated at Sector-36, Faridabad, Haryana registered with the Ld. Haryana Real Estate Regulatory Authority, Panchkula in furtherance to the Order dated 21.02.2023 passed by Ld. National Company Law Tribunal, New Delhi, approving the Resolution Plan of Successful Resolution Applicant, Crown Abacus IT Park Association.
3. The matter was considered by the Authority in its meeting held on 31.01.2024 wherein following observations were conveyed:
  - “5. After consideration, Authority decided as under:
    - i. The promoter may apply for extension on proper proforma.
    - ii. Percentage of completion of project in Architect Certificate has not been given.
    - iii. No proof has been submitted of the deposit of extension fee.
    - iv. CA/Engineer Certificate not attached.



- v. *Online filing of QPRs status be given.*
- vi. *Photos of the project are required.*
- vii. *The request of the promoter to declare zero period from 06.12.2019 to 21.02.2023 is not acceded to. A suo motu complaint no. 2811 of 2022 is already registered for not applying for extension.*
6. *After submission of above information/documents, extension case will be considered.*
7. *Adjourned to 27.03.2024”*

4. The matter was then considered by the Authority in its meeting held on 03.04.2024 and 15.05.2024 wherein no reply was filed by the promoter and the matter was adjourned to 07.08.2024 giving last opportunity to the promoter to file reply otherwise penal proceedings will be initiated.

5. The promoter vide reply dated has submitted following:

- i. Applied for extension in REP-V form.
- ii. Copy of renewal of license renewed upto 19.03.2026.
- iii. Architect certificate dated 29.04.2024, however consolidated percentage of works completed at site has not been specified.
- iv. Photographs of the project.
- v. Copy of an undated Engineer Certificate which states that total estimated cost of tower B1 was ₹12,94,52,911/- against which a sum of ₹2,00,02,996/- has been incurred i.e., 15% of work has been done at site. Percentage of Internal and external development works and common amenities is 0%.

In the explanatory note it has been submitted that the project was valid upto 31.10.2020 and CIRP proceedings were initiated against the company vide order dated 06.12.2019. The resolution plan of the ‘Crown Abacus IT Park Association’ was approved vide order dated 21.02.2023. The resolution applicant is entitled to commence the business of the corporate debtor on the ‘clean slate theory’ i.e. applicant taking over a company undergoing CIRP proceedings should not be burdened with any unexpected claims and is entitled to commence/take over the company on clean slate. Said theory is also encoded in Section 31 of IBC. The validity of this theory was upheld by the Hon’ble Supreme Court in the matter of “Ghanashyam Mishra & Sons(P) Ltd. vs Edelweiss Asset Reconstruction Co. Ltd.”

It has been stated that under Rule 6(2) of HARERA Rules, 2017, Ld. Authority has the power to waive the extension fee if the extension of registration is sought due to force majeure situations, court orders, government policies/guidelines or decisions. It has been





submitted that since CIRP proceedings were undergoing and SRA got control over management post approval of resolution plan, therefore SRA cannot be burdened with the extension fee or any penalty for the period commencing from 06.12.2019 till 21.02.2023.

6. The promoter has not any extension fee and CA certificate has not been submitted.

7. The matter was then again considered by the Authority in its meeting held on 07.08.2024 wherein following was observed:

*“7. Ld. Counsel submitted that CIRP proceedings were going on from 06.12.2019 to 21.02.2023 when resolution plan of successful applicant was approved by NCLT. Hence, extension fee under Section-6 of RERA Act, 2016 read with HRERA Rules, 2017 be waived of.*

*8. It was brought to the notice of Ld. Counsel by Authority that statutory fee cannot be waived of. If he has any specific orders of NCLT relating to waiving off of statutory fees that may be placed on record atleast one week before next date of hearing.*

*9. Adjourned to 04.09.2024.”*

7. The matter was considered by the Authority in its meeting held on 04.09.2024 wherein following was observed:

*“8. Authority observes that RP has not complied with the orders of Authority dated 07.08.2024. On request of Ld. Counsel, matter was adjourned to 09.10.2024.”*

8. QPRs have been filed upto 30.06.2024.

9. The Authority on 09.10.2024 adjourned it to 23.10.2024.

10. The promoter has submitted reply dated 09.10.2024 wherein the promoter has submitted extension fee of Rs 58 lakhs for 4 years starting from 2020 till date (which is found to be in order since extension fee for 4 years is Rs. 23,37,000/-). Further CA certificate dated 08.10.2024 has also been submitted according to which only 4.22% work has been completed.

11. Registration No. HRERA-PKL-FBD-179-2019 dated 21.11.2019 has expired on 31.10.2020. The successful Resolution applicant has applied for extension on 19.12.2023. Therefore, the extension (including covid period) could be considered upto 31.07.2025.



As per resolution dated 07.08.2024, the promoter was also required to pay late fee of Rs. 11,68,500/- and penalty amounting to Rs. 22,20,150/- (for 38 months delay), which could be considered in the surplus extension fee paid by the RP. Therefore, no fee is deficit.

12. Registration was valid till 31.10.2020. Licence renewed upto 19.03.2026. Extension fee is deficit by Rs. 1,26,781/-. Hence, a decision needs to be taken if the applicant is required to pay late fee and penalty in this case as per resolution dated 07.08.2024.

13. After consideration, Authority decided matter of payment of late fee and penalty as per resolution of Authority dated 07.08.2024 be examined by Project Section and report submitted on next date of hearing.

14. Adjourned to 18.12.2024.



Received on 19/11/2024  
Rashu  
19/11/24  
19/11/24

True copy

  
Executive Director,  
HRERA, Panchkula

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

L/A Shudha m