



**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. 267.20**

**Continuation of registration for third year of project under Section-7(3) of RERA Act, 2016.**

**Promoter:** Choice Real Estate Developers Pvt. Ltd.

**Project:** 'Vipul Pratham Apartments'

**Reg. No.:** HRERA-PKL-RWR-38-2018 dated 20.08.2018, first extension granted uptill 31.03.2021 and second extension granted uptill 31.12.2022.

**Present:** Mr. Ravinder, Authorized Representative.

1. The promoter had applied for third extension of project on 05.12.2022.
2. The Authority vide its Suo Motu Monitoring (147 of 2023) orders dated 04.09.2023 had decided to get the audit conducted of the project, publish public notice and appoint Local Commissioner. Public notices were issued on 23.08.2023 and no objections were received. Vide letter dated 08.09.2023 M/s Kant Goyal and Associates were appointed to audit the project. Vide PUC dated 06.10.2023, Audit report is submitted. Vide letter dated 27.09.2023 M/s Pro-Tech Consortium were appointed as Local Commissioner and the visit was scheduled for 13.10.2023. Vide letter dated 16.10.2023, LC report is submitted.
3. The Auditor Report is reproduced as follows:
  - i. *The promoter is maintaining two bank accounts-*
    - A. *A/c No. 913020032875044 with Axis Bank, Gurugram Branch- There is only one Bank account with Axis Bank in which the advances/sale consideration from the prospective buyers has been received. The directions for opening of bank accounts have not been complied with. No record is found to substantiate that*



*change in Bank was informed to all allottees through SMS/E-mail, however the same was informed to HRERA Panchkula.*

*B. A/c No. 091902000013027 with Indian Overseas Bank. No RERA Bank account existed between 13<sup>th</sup> November 2019 and 05<sup>th</sup> September 2020. All the three bank accounts of Indian Overseas Bank are lying dormant since year 2020.*

- ii. Cash inflows from prospective buyers- Rs. 40,37,16,543/- (from 200 units). Out of this amount Rs. 15,55,11,294/- received in bank account of M/s Vipul Ltd. Amount received from sale of Tender document is Rs. 59,000/-. Receivables from sold units are Rs. 28,84,55,997/-*
  - iii. Tower wise photographs has been submitted.*
  - iv. No loan has been taken by the promoter for this project.*
  - v. The unsold units are 52 out of total units of 252.*
  - vi. The certificate provided by the Architect and engineer shows 64.37% but does not include the calculation to arrive at % like which of the facilities namely internal roads, payments, water supply, sewerage, lighting etc. have been completed to which extent.*
  - vii. The CA Certificate does not specify the amount which can be withdrawn for the expenses of the project from the designated Bank account therefore, the auditor is unable to comment on the fact that the withdrawals made from the designated Axis Bank account are in accordance with the % of completion of project criteria for deciding % completion of the project.*
  - viii. The Financial Statements of the promoter for FY 2022-23 are not yet audited. The promoter has violated the provisions of Section-4(2)(l)(D) of the RERA Act, 2016 as it has not submitted the statement of accounts audited, duly certified and signed by the CA in the office of the Authority. The unaudited Financial Statements shows other Financial Assets of Rs. 1,77,75,000/- and other financial liabilities of Rs. 2,58,600/- for which no details are provided.*
- 4. The LC Report is reproduced as follows:*
- i. At present only four 11(G+10) storey tower structures and one EWS residential block stand constructed apparently 3 to 4 years ago. No work was in progress at the time of visit and it seemed that project stands abandoned years ago.*
  - ii. Only structures are standing and no type of internal work i.e. flooring, toilet and kitchen finishing, electric wiring etc. has been done.*



- iii. *The basement of all towers is interconnected to provide a combined parking for the residents. There were no approach roads constructed from entrance at NH-48 up to the residential towers. No internal road was constructed.*
  - iv. *The area of towers is surrounded by partly finished masonry wall and temporary boundary wall constructed with sheets was provided for remaining area of the campus. The entrance ramp was left unconstructed midway. No lift was provided to the towers.*
  - v. *No water supply and sewerage lines were installed as no STP has been constructed. No arrangement for water supply has been made at site. No rain water structures or pipe lines constructed.*
  - vi. *No substation, generator, lines/cables for connecting the residences were provided. Only direct connection for construction is taken.*
  - vii. *No necessary services/ infrastructures facilities have been provided to the residential complex by the promoters. Only RCC structures of towers are constructed with basement parking without approach ramps. Photographs are attached in report for reference.*
5. On 06.12.2023, both the reports were sent to the promoter and the promoter was directed to submit reply and be personally present before the Authority on 10.01.2024.
6. Vide reply dated 01.01.2024, the promoter has submitted the following:
- i. *The amount of Rs. 2,49,367.20 was not transferred from old account to new account as the same was not required since promoter has already spent more than the collection from the allottees.*
  - ii. *Details of other financial assets: -1,77,75,000/-  
Gallium developers Pvt. Ltd.- 60,00,000/-  
Harish Kumar Ghai- 1,10,75,000/-  
Renu Ghai- 7,00,000/-  
These advances were given prior to start of the project and has nothing to do with the cash flows of the project.*
  - iii. *Other financial liabilities- Rs. 74,859/-  
Audit fees payable-Rs.50,000  
Babbar and Associates-Rs.24,000  
AVA Associates-Rs.859*
  - iv. *Financial statements of FY-2022-23 are audited and available.*
  - v. *No deviation with the CA Certificates vis a vis book of account, enclosed copy of year wise customer collection.*
  - vi. *They have installed LT Panel, Isolator Panel, and 1 No. VCB.*



7. On 10.01.2024, since the promoter did not appear personally, the Authority imposed costs of Rs. 50,000/- on the promoter. However, on the request of the promoter dated 04.01.2024, the case is adjourned to 28.02.2024.

8. On 28.02.2024, Authority decided to impose additional cost of Rs. 20,000/- on the promoter and last opportunity was granted to appear personally on 10.04.2024.

9. The promoter submitted Rs. 70,000/-. Vide reply dated 19.03.2024, submitted:

1. Quarterly Report of Physical and Finance for quarter ended on 31<sup>st</sup> December, 2023 certified by an Engineer, Architect and Chartered Accountant with respect to Vipul Pratham Apartments.

Internal Roads & Footpaths	5%
Sewerage (Chamber, Lines)	1%
Storm Water Drains	0%
Landscaping & Tree planting (playgrounds/parks)	0%
Building block	60%
Boundary Wall/gate	80%
Treatment and disposal of sewage and sullage water	0%
Water Supply	20%
External electrification/lighting	10%

2. CA certificate dated 17.02.2024 which states that "on the basis of verification of books of accounts and information provided to us...": (Rs. in Cr.)

3.

Description	Progress as on 30.09.2023	Progress during the current Quarter	Cumulative progress as on 31.12.2023
Details of amount received from sale of flats	40.12	Nil	40.12
Details of amount kept in separate account with ref. to 70%	2.63	Nil	2.63

*Note- For the quarter, the incremental collection amount (net) is NIL. Hence the amount kept under RERA Account with reference to 70% is also Nil. Further, amount kept in separate account has been utilized towards cost of construction and land cost as per the Act and Rules.*

10. On 10.04.2024, Authorized representative stated that out of 11 towers, structures of 4 towers have been completed. As the construction of project is very slow, promoter be present on next date of hearing with cogent reasons and resolution plan.



11. On 01.05.2024, the promoter was not personally present, Authority imposed a cost of Rs. one lac. The Authorized representative stated that reply has been filed today. Authority directed the promoter to submit resolution plan for completion of project up to September 2025 quarter wise. Extension for 4<sup>th</sup> year has also become due. Promoter should apply for that also.
12. The promoter has submitted reply in suo motu complaint no. 147 of 2023 on 01.05.2024:
- Submitted quarter wise resolution plan stating the project will be completed by October 2025;
  - Submitted group summary of various facilities from April 23 to March 24 with closing balance (Debit) of Rs. 38.2 cr. which is signed by Architect;
  - Submitted 3 CA Certificates, however no conclusion can be drawn from those certificates.
13. The promoter has not submitted application for continuation of registration for fourth year.
14. On 14.08.2024, Authority observed that promoter was required to be personally present on 01.05.2024 but he did not appear. Hence, Authority decided to impose additional cost of ₹ one lac on the promoter. LC report states that out of 11 Towers only four storey tower structures and one EWS residential block stand constructed apparently 3 to 4 years ago. No work is in progress and it seems project stands abandoned years ago. After consideration, Authority decided as under: -
- Further sale in project is banned.
  - It is not possible to complete the project by October 2025, hence, promoter be present personally on next date of hearing and submit a detailed quarter wise resolution plan for completion of the project.
  - Proper CA Certificates of RERA accounts be submitted duly signed by CA.
  - Submit the extension application for fourth year. Adjourned to 23.10.2024.
15. The promoter vide reply dated 01.08.2024 has submitted Quarterly report of the project however no reply regarding orders dated 14.08.2024 has been submitted.
16. After consideration, Authority decided as under:-



- i. Third extension of one year under Section-7(3) of RERA Act, 2016 is granted.
  - ii. Promoter should submit reply to the orders of Authority dated 14.08.2024.
  - iii. Promoter has stated that project will be completed by October 2025 whereas as per LC report no work is in progress at site. Hence, LC be again appointed.
  - iv. Project be monitored on quarterly basis.
  - v. Late fee, if any, be conveyed to promoter as per resolution of Authority dated 07.08.2024..
  - vi. AR stated that further extension has been applied on 22.10.2024 which will be considered after report of LC.
17. Adjourned to 18.12.2024.



Received on 19/11/2024  
Rashy  
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.

CA (Mehra)