HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. (Suo-Motu)1066 of 2020

HRERA, Panchkula ...COMPLAINANT

VERSUS

Pivotal Infrastructure. ....RESPONDENT

CORAM: Nadim Akhtar **Member**
Dr. Geeta Rathee Singh **Member**

Date of Hearing: 25.09.2023

Hearing: 17th

Present: - Adv. Manju Goyal on behalf of Intervener.

ORDER (Nadim Akhtar -Member)

Notice u/s 35 of the RERA Act, 2016 dated 05.10.2020 was issued to the promoter for neither completing the project within the timelines declared under section 4(2)(l)(C) of the RERA, Act 2016 at the time of seeking registration nor seeking extension of registration of the real estate project namely "Royale Heritage" registered vide registration no. HRERA-PKL-FBD-47-2018 dated 14.09.2018 valid upto 31.12.2019 for development of a group housing colony on land measuring 20.31 acres in Sector-70, Faridabad. As per the records of the Authority 18 towers were to be constructed. As per information furnished by the promoter occupation certificate in respect of 16 towers have been received and only two towers namely, Tower 1 and Tower 2 remain to be completed.

2. On the last date of hearing respondents submitted a copy of letter dated 06.01.2023 from the office of Senior Town Planner, Faridabad forwarded to DGTCP regarding the grant of Occupation Certificate for Tower No. 1 and 2. It was further submitted that OC for Tower No. 1 and 2 will be granted shortly and that they have already been granted Fire NOC, Pollution NOC. However, copy of the approvals have not been submitted.

3. Adv. Manju Goyal, appeared on behalf of intervenors submitted the orders dated 18.07.2023, passed by Ld. Arbitrator in the matter of Daulat Ram Dharambir Auto Pvt. Ltd. and others v. Pivotal Infrastructure Pvt. Ltd directing the respondent as under:

> *"The respondent no.1, to before the next date, file a site plan of the subject land as well as of other adjoining lands which are stated to be belonging to the respondent no.1, showing the location of the towers constructed over the said entire land and particularly, the towers constructed over land earlier belonging to the landowners and the number of flats in each of the said towers and with respect to which of the flats sale deeds have been executed and with respect to which entire consideration has been received and possession delivered together with name of purchasers/buyers".*

4. In furtherance of the orders of Ld. Arbitrator, Authority directed the office to verify the above said facts mentioned in the orders dated 18.07.2023 passed by Ld. Sole Arbitrator from the quarterly progress reports and office record.

5. Authority examined the quarterly statements filed by the respondent. Respondent has submitted QPR up to December 2022. However, the respondent has not uploaded any supporting document with the statements. Since the project was an ongoing project at the time of registration, the respondent had submitted that out of the total 1411 apartments, 1161 apartments had already been sold/booked. As per the quarterly statements up to December 2022 total apartments sold comes out to be 205.

6. Today, no one appeared on behalf of the respondent for the reason that Local Bar Association has suspended the work. However, Adv. Manju Goyal appearing on behalf of Interveners submitted that the respondents in the Arbitration proceedings have declared that no inventory is left for sale and they have applied for occupation certificate.

7. No reply has been submitted by the respondents as regards the show cause as to why penalty proceedings under section 61 read with section 63 of the RERA, Act, 2016 be not initiated against them and penalty of 5% of the estimated cost of the real estate project be not imposed. Authority decided to give last opportunity to the respondent for filing the reply. The ban on the sale of unsold inventory or creation of third party rights in the project, with effect from 15.05.2023, will continue till extension is granted.

8. Adjourned to **16.10.2023**.

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DR. GEETA RATHEE SINGH
[MEMBER]

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NADIM AKHTAR
[MEMBER]