



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. (Suo-Motu) 1066 of 2020

HRERA, Panchkula

...COMPLAINANT

VERSUS

Pivotal Infrastructure Pvt. Ltd.

....RESPONDENT

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

**Member
Member**

Date of Hearing: 16.10.2023

Hearing: 18th

Present: - Adv. Karan Kaushal on behalf of respondent.

ORDER (Nadim Akhtar -Member)

On perusal of the order file, the office has found that the name of the respondent has been inadvertently recorded as Pivotal Infrastructure in all the previous orders instead of Pivotal Infrastructure Pvt. Ltd. Therefore, the name of the respondent be read as Pivotal Infrastructure Pvt. Ltd instead of Pivotal Infrastructure.

2. Notice u/s 35 of the RERA Act, 2016 dated 05.10.2020 was issued to the promoter for:

- i) Not completing the project within the timelines declared under section 4(2)(1)(C) of the RERA, Act 2016 at the time of seeking registration.
- ii) Not seeking extension of registration of the real estate project namely "Royale Heritage"- a group housing colony on land measuring 20.31

acres situated in Sector-70, Faridabad registered vide registration no. HRERA-PKL-FBD-47-2018 dated 14.09.2018 valid upto 31.12.2019.

2. As per the records of the Authority 18 towers were to be constructed on the project site. However, 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.
3. Authority vide orders dated 07.08.2023 observed and directed that since the respondents have failed to apply for extension of the project which was valid up to 31.12.2019, the respondents be show caused as to why penalty proceedings under section 61 read with section 63 of the RERA, Act, 2016 be not initiated against them and penalty upto 5% of the estimated cost of the project be not imposed for each violation.
4. On last date of hearing i.e 25.09.2023, no one appeared on behalf of the respondent for the reason that Local Bar Association had suspended the work. Therefore, last opportunity was given to the respondent to file the reply to the above mentioned show cause notice.
5. Respondents vide reply dated 04.10.2023 informed that an application has been filed before the DGTCP for granting the occupation certificate on 14-10-2019 and the same is pending. Respondents have also stated that they have obtained the fire NOC vide memo no. FS/2021/23 dated 27-01-2021 and laying of internal public health services on 16-01-2020 and had further obtained the registration under Haryana Lift and Escalators Act, 2008 on 18-06-2020 and that all the approvals have been submitted with the Department of Town And Country Planning. The respondent is also seeking indulgence of the Authority in clarifying to the concerned Tehsildar/ SDM that vide impugned order dated 15.05.2023 the Authority had only directed the respondents not to sell any unsold inventory in the



project. The respondent has requested that a clarification be given to the concerned Tehsildar/S.D.M not to stop the conveyance deeds of the already sold inventory.

6. Today, Adv. Karan Kaushal appearing on behalf of the respondents assured that application for extension of registration of project will be filed shortly.

7. On perusal of the reply submitted by the respondent, Pivotal Infrastructure Pvt. Ltd. and considering the statement made by the Ld. Counsel for the respondent, it is prima facie proved that the respondent has failed in its obligation to complete the real estate project within the timeline declared under section 4 (2)(1)(C) at the time of seeking grant of registration and under such circumstances it has also blatantly failed to apply for extension of registration granted. Thus, the respondent promoter, Pivotal Infrastructure Pvt. Ltd. is liable for imposition of penalty under section 61 and 63 of The RERA Act, 2016. The issue of quantum of penalty to be imposed will be decided on the next date of hearing.

8. Further, acceding to the request of the Ld. Counsel of the respondent Authority grants one last opportunity to the respondent to file application for extension of the registration of the project.

9. Furthermore, the respondent in its reply dated 04.10.2023 has requested the Authority to clarify to the concerned Tehsildar/ SDM that vide orders dated 15.05.2023 the Authority had only directed the respondents not to sell any unsold inventory in the project. In this regard, Authority hereby clarifies that there is no ban imposed by the Authority in execution of the conveyance deeds of the units already sold before 15.05.2023. Vide orders dated 15.05.2023 Authority had ordered for imposition of ban on sale of unsold inventory or creation of third party rights from 15.05.2023 onwards.

10. Since arbitration proceedings are pending against the respondents, in the matter titled Daulat Ram Dharambir Auto Pvt. Ltd. and others v. Pivotal Infrastructure

Pvt. Ltd, therefore, the Authority directs the respondent to submit all the orders passed by the Ld. Arbitrator in the registry of the Authority.

11. Adjourned to 18.12.2023.


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DR. GEETA RATHEE SINGH
[MEMBER]


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NADIM AKHTAR
[MEMBER]