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: 07.08.2023

Hearing: 16th

Present: - Adv. Karan Kaushal on behalf of respondent

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. The Authority vide its order dated 07.04.2021 imposed cost of Rs. 50,000/- as neither anyone one was appearing on behalf of the respondents nor were they complying with the orders of the Authority. On the last date of hearing Authority observed that as the registration stands expired as on date, therefore the promoter is directed not to sell any unsold inventory or create any third party rights in the project till extension is granted. Further, respondent was directed to pay the cost of Rs. 50,000/- earlier imposed on or before the next date of hearing.

3. Today, Adv. Karan Kaushal appeared on behalf of the respondent and 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. He further submits that OC for Tower No. 1 and 2 will be granted shortly. Further, he submits that they have already been granted Fire NOC, Pollution NOC however copy of the approvals have not been submitted.

4. The respondent submitted the receipt of payment of cost of Rs. 50,000 and requested to lift the ban on the sale of unsold inventory asserting that they will apply for the extension of registration of project shortly.

5. Adv. Manju Goyal appearing on behalf of intervenors submitted the orders passed by Ld. Arbitrator in the matter. Ld. Arbitrator in the matter of Daulat Ram Dharambir Auto Pvt. Ltd. and others v. Pivotal Infrastructure Pvt. Ltd. and others dated 18.07.2023 has passed the following orders:

> *"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".

6. Authority has 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.

7. Authority observes that since the respondent has failed to apply for the extension and submit completion certificate for the project, therefore the Authority directed the respondent to 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.

8. Adjourned to **25.09.2023**.

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DR. GEETA RATHEE SINGH
[MEMBER]

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NADIM AKHTAR
[MEMBER]