# HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

**COMPLAINT NO. (Suo-Motu) 2064 of 2023**

HRERA, Panchkula ...COMPLAINANT

VERSUS

RPS Infrastructure Ltd. ....RESPONDENT

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

**Date of Hearing:** 16.10.2023

**Hearing:** 1st

**Present: -** Sh. Rajesh Khushwaha, General Manager and Adv. Manpreet K Khurana on behalf of respondent.

**ORDER (NADIM AKHTAR- MEMBER)**

Present suo-motu complaint was registered against the respondent promoter for changing the existing RERA Bank Account in Vijaya bank (830100301000874) to new Bank Account in IndusInd Bank (259818034793) of project namely "RPS Auria Phase 2- Tower T-I, T-3, T-5 & Support & Recreational Building"- Group Housing Colony on land measuring 40754.81 sq. mtrs. situated in village Palwali, Kheri Kalan and Baselwa, Faridabad registered vide Registration No. 199 of 2017 dated 15.09.2017 valid upto 14.09.2024.

2. A show cause notice dated 15.09.2023 under Section-35 of The RERA Act, 2016 was issued to the respondent promoter as to why permission of the Authority was not obtained before changing the said Account. The respondent was also directed to furnish the following information:

   i. Whether the entire balance in old account including amount of term loan was transferred to the new RERA Account in IndusInd Bank.

   ii. Since the project land has been mortgaged, how the conveyance deed of allottees will be got executed?

3. The respondents vide reply dated 16.10.2023 submitted that RPS Infrastructure Limited entered into a Loan Agreement dated 24.09.2018 with L&T Finance Limited. The respondent has further stated that part of the loan amount was utilised for closing the previous loan taken from Oriental Bank of Commerce. As the liabilities with respect to the previous lender, Oriental Bank of Commerce stood extinguished, the Respondent Developer had to shift its bank Account to that of the latest lender, i.e., L&T Finance Limited being maintained at IndusInd Bank.

4. The respondents have submitted that at the time of entering into the Loan Agreement dated 24.09.2018 with L&T Finance Limited, the HRERA Rules had just came into effect and there was general lack of procedural awareness with respect to the still developing practices and procedures at HRERA. Further, respondent has submitted they were under Bonafide belief that mere intimation would suffice the requirements of the RERA Act 2016 and HRERA Rules 2017, served due intimation to HRERA about the factum of Loan taken form L&T Finance and consequent change of bank

accounts vide Letter dated 14.01.2019. The respondent has also submitted that non-obtaining of permission from HRERA was neither wilful nor intentional but was a lapse occasioned by a bonafide misinterpretation of rules by the Respondent Developer.

5. As regards the issue of transfer of amounts from old bank accounts to the new bank accounts, the respondent has submitted that the entire amount from the old accounts were transferred to the new bank account maintained at IndusInd Bank over a period of time. However, an amount of Rs. 1,05,197.70/- remains to be transferred and the same shall be transferred to the new account shortly. However, no bank statement has been submitted by the respondent showing the transfer of any amount to new bank account.

6. Further, as regards the issue of execution of conveyance deed given the mortgage of project land with L&T Finance Limited, the respondent has submitted that in terms of the Loan Agreement dated 24.09.2018, upon payment of full consideration with respect of the Unit concerned by the concerned customer/allottee, the Developer RPS Infrastructure Limited shall, as a nominal requirement, obtain No Objection Certificate" (NOC) from the lender L&T Finance Limited. Post obtaining of the said NOC, the concerned Unit free from all encumbrances shall be conveyed and registered in favour of the customer/allottee concerned.

7. The respondent has requested to condone the act of non-obtaining of permission from HRERA for changing of bank Accounts from Oriental Bank of Commerce to IndusInd Bank and further requested to close this Complaint.

8. Authority directed the respondent to submit bank statements showing transfer of the amount to new bank account. As regards the execution of conveyance deeds, Authority directs the respondent to submit details and status of conveyance deeds executed in the project as on date.

9. Adjourned to **08.01.2024.**

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**Dr. GEETA RATHEE SINGH**
**[MEMBER]**

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**NADIM AKHTAR**
**[MEMBER]**