HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. (Suo-Motu) 3340 of 2022

HRERA, Panchkula ...COMPLAINANT

VERSUS

Parsvnath Developers Ltd. ....RESPONDENT

CORAM:	**Parneet S Sachdev**	**Chairman**
	Nadim Akhtar	**Member**
	Dr. Geeta Rathee Singh	**Member**
	Chander Shekhar	**Member**

Date of Hearing: 24.01.2024
Hearing: 5th
Present: Adv. Rupali Verma on behalf of respondents.

ORDER (Parneet S Sachdev-Chairman)

This suo-motu complaint was registered against the respondent/ promoter u/s 35 of RERA Act, 2016 wherein a show cause notice was issued to the promoter as to why further sale in the project may not be stopped as the license granted by DTCP was valid upto 26.03.2019 and the same has not been renewed.

2. When this matter was last heard by the Authority on 04.09.2023, the Authority observed that since the license of the colony has still not been renewed, therefore the

promoter was directed to show cause as to why penalty proceedings under Section 61 read with Section 63 of the RERA Act 2016 for failure to comply with the orders of the Authority may not be initiated. Ban on sale of unsold inventory shall continue.

3. Thereafter on 16.11.2023, objections by the allottees of the project were received in which they have stated that work progress is very slow and the promoter has already sought two extensions since 2018. They further stated that more than 100 allottees have been given fit out possession of flats and are allowed to live there and Managing Directors are continuously threatening them that they will cut electricity supply. They are in peaceful protest in premises, sale of flats is still going on in spite of sale ban, as averred by the allottees. They further objected that on 04.09.2023, respondent made a statement that club is complete and operational, which is false. There is no club in premises.

4. Further, the respondents vide reply dated 15.01.2024 have informed that: -

i. License of the colony was valid upto 26.03.2019, they have applied for renewal before the competent Authority and it is still under process.

ii. They further stated that the objections of association are vague and bogus

iii. Construction of Tower 1,2,3,4,5,8,9 has been completed and Tower 6 and 7 is at advance stage.

iv. They are pursuing Part Occupation Certificate at DTCP level.

5. Today, Adv. Rupali appearing on behalf of respondents stated that application for renewal has been applied before DTCP on 22.02.2019. The counsel further asserted that the license in the present project was in collaboration with Samar Estate Pvt. Ltd. and the later has pending payments towards DTCP amounting to Rs 43 Lakhs. The Authority is of the view that the respondents had made a request to the DTCP to grant Joint Development Rights with Samar Estate Pvt. Ltd and since the conditions for grant of joint development rights was not fulfilled by the promoter, the application was rejected by the DTCP. Further, Adv Rupali apprised that since Samar Estate Pvt. Ltd went into NCLT proceedings and IRP has been appointed qua 14 acres of the land out of total land measuring around 21 acres. Authority in view of the above observes as follows: -

a. Copy of order of NCLT be provided in which it has been stated that only 14 acres of land is under liquidation and not the 7 acres land as asserted by the counsel.

b. Present status of application for renewal filed before the DTCP, Haryana along with the copy of said application be provided.

c. A comprehensive list of unsold inventories and units for which conveyance deed has been executed and units which have been sold and part payments made, be provided tower wise.

e. A detailed reply be also submitted on the objections filed by the allottees and an affidavit be submitted as to whether any unit has been sold in the project after the ban on sale of unsold inventory imposed by the Authority.

6. Adjourned to **10.04.2024**.

Chander Shekhar	Dr. Geeta Rathee Singh	Nadim Akhtar	Parneet S Sachdev
Member	Member	Member	Chairman