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

Date of Hearing: 18.12.2023

Hearing: 19th

Present: - Adv. Karan Kaushal, learned counsel for the respondent through video conference

ORDER (PARNEET S SACHDEV - CHAIRMAN)

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)(l)(C) of the RERD, Act 2016 at the time of seeking registration.

ii) Not seeking extension of registration of the real estate project namely "Royal 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. When the matter was heard on 15.05.2023, Authority directed the promoter not to sell any unsold inventory or create any third party rights in the project till extension is granted. Further, 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 RERD, 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. 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.

5. The matter was last heard on 16.10.2023 whereby Authority decided that Pivotal Infrastructure Pvt. Ltd. is liable for imposition of penalty under section 61 and 63 of The RERD Act, 2016 and observed that the issue of quantum of penalty to be imposed will be decided on the next date of hearing. It was also observed by the Authority that since arbitration proceedings are pending against the respondents, in the matter titled Daulat Ram Dharambir Auto Pvt. Ltd. and others v/s 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.

6. Learned counsel for the respondent stated that they have filed an application for extension of the project on 26.10.2023 and sought time to file detailed reply in this matter. He further requested that since application for extension has been filed, penalty may not be imposed.

7. In view of above, Authority grants one last opportunity to the respondent to file detailed reply within fifteen days or else be present physically on the next date of hearing. The quantum of penalty to be imposed upon the respondent will be deiced on the next date.

8. Adjourned to **03.04.2024.**

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