HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. (Suo-Motu) 2072 of 2023

HRERA, Panchkula

...COMPLAINANT

VERSUS

Omaxe World Street Private Limited

....RESPONDENT

CORAM:

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

Date of Hearing: 24.01.2024

Hearing: 2nd

Present: - Sh. Nirvaan, on behalf of respondent through video conference

ORDER (PARNEET S SACHDEV - CHAIRMAN)

Present suo-motu complaint was registered against the respondent promoter for changing the RERA bank account from the existing Yes Bank Account Number 1666300000115 to Kotak Mahindra Bank Account Number 3248471625 of a registered real estate project of a commercial colony on land measuring 4105.23

sq. mtrs. situated in Village Bhatola Sector-79, Faridabad, Haryana registered vide Registration No. 76 of 2017 dated 21.08.2017 valid upto 31.12.2027.

2. A show cause notice dated 21.09.2023 was issued under Section-35 of The RERA Act, 2016 as to why penalty under Section-61 of The RERA Act, 2016 be not imposed for changing the RERA account and obtaining loan without the permission of the Authority. The respondent was also directed to submit detail of balance amount in old account of Yes Bank and the new account in Kotak Mahindra Bank duly supported by CA Certificate.

3. The respondent did not file any separate reply to the show cause notice however, in agenda matter the respondent vide letter dated 10.10.2023 has submitted bank statement of old account in Yes Bank and new account in Kotak Mahindra Bank for the period 01.07.2023 to 27.09.2023. The promoter has also submitted CA certificate dated 09.10.2023 which states that the amount collected from the allottees from inception till 30.09.2023 is ₹10,749.51 lacs and amount withdrawn from the particular account till 30.09.2023 is ₹10,749.51 lacs.

The CA certificate also states that the company has changed its RERA bank accounts from Yes Bank to Kotak Mahindra Bank. However, until 30.09.2023, all customer collections were being credited to Yes Bank 100% RERA Account no. *1666300000398* and through automatic mandate transfer 70% of the collections to

the Kotak Mahindra 70% RERA Account no. *3248471625*. Further, all collections will be made in Kotak Mahindra 100% RERA Account no. *3248471618* only.

4. After considering the same, the Authority vide its order dated 18.12.2023 vide item no. 236.21 directed the respondent to submit the following information:

i. Bank details of 100% and 70% amount in Axis Bank from 28.08.2017 till the date YES Bank accounts were opened.

ii. Bank details of 100% and 70% amount in YES bank till 14.07.2023.

iii. Bank details of 100% and 70% amount in Kotak Bank from 14.07.2023 till date.

iv. Since the project is multi-storeyed commercial, therefore, the promoter should give FAR of commercial component.

v. Loan taken on the said registered project and its letter of sanction.

5. The promoter has not submitted any reply to the above mentioned observations till date. Hence, promoter is directed to show cause as to why penalty U/s 61 read with Section 63 be not imposed for contravention of the provisions of the Act and not complying with the orders of the Authority.

6. Adjourned to **08.05.2024.**

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