



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. (Suo-Motu) 2803 of 2022

HRERA, Panchkula

...COMPLAINANT

VERSUS

Puri Construction Pvt. Ltd.

....RESPONDENT

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

Date of Hearing: 10.01.2024

Hearing: 4th

Present: - Ms.Tanika Goyal, counsel for the respondent through video conference

ORDER (PARNEET S SACHDEV - CHAIRMAN)

Present suo-motu complaint was registered against the respondent promoter for neither completing the project within the timelines declared u/s 4(2)(1)(c) at the time of seeking registration nor applying for extension of registered project namely; "Amanvilas" a plotted colony measuring 84.135 acres in Sector-88 & 89,

Faridabad registered vide Registration No. 120 of 2017 dated 28.08.2017 valid upto 28.01.2021. After granting benefit of covid period the registration stands expired on 28.10.2021.

2. The Authority vide its orders dated 16.01.2023 directed the promoter not to sell any unsold inventory or create any third-party rights in the project till extension is granted.
3. The matter was last considered by the Authority on 26.07.2023 wherein taking note of the extension application filed by the respondent, Authority decided to dispose of this suo motu complaint. It was observed that the ban on sale of unsold inventory or creation of third party rights in the project will continue till extension is granted. However, inadvertently the matter was adjourned.
4. The respondent has filed an application on 07.08.2023 seeking review and recall of the orders dated 06.03.2023 and 26.07.2023 for the reason that there is an error apparent on the face of record. In the order dated 06.03.2023, it has been mentioned that none was present on behalf of respondent whereas factual and legal arguments were done by authorised representative of respondent (Mr. Himanshu Juneja) on that date. Further, the reply dated 03.03.2023 in which it was mentioned that the respondent company vide different applications has applied for completion certificate for different pockets of the project and has even received part completion certificate for 49.73 acres of the project, was not considered by the



Authority in said order and it was observed that neither anyone appeared nor any reply has been received and hence promoter was directed to show cause as to why penalty proceedings u/s 63 read with 59 of RERA Act, 2016 be not initiated. Further, during the hearing dated 06.03.2023, the next date of hearing was given 06.06.2023 whereas in the order it was mentioned as 24.07.2023 and that too was changed to 26.07.2023 without giving intimation to the respondent due to which the promoter missed to attend the meeting. It has been prayed that application be allowed and orders dated 06.03.2023 and 26.07.2023 be reviewed and recalled.


5. In regard to the application filed by the respondent seeking review and recall of order dated 06.03.2023 and 26.07.2023, it is observed that the Authority does not have jurisdiction to review/recall its own order, however by virtue of Section 39 of RERA Act, 2016 it can only amend its order to rectify any mistake apparent on the record. Even otherwise, the respondent has not placed on record any document to prove that its representative was present on 06.03.2023 to attend the hearing, hence the order dated 06.03.2024 cannot be rectified. Further, the next date of hearing, i.e., 24.07.2023 was mentioned in the order and was duly uploaded and communicated to the promoter. The matter was then adjourned from 24.07.2023 to 26.07.2032 due to lack of quorum and the respondent was duly informed about the same. A system generated mail and SMS are always sent to the

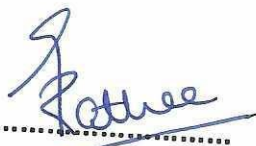
parties whenever there is a change in the date of hearing of the project. Hence, this contention of the respondent also cannot be accepted.

Further, in the order dated 06.03.2023, it has been mentioned that no reply has been received however, reply dated 03.03.2023 was filed by the promoter. Authority therefore, takes on record the reply dated 03.03.2023. Accordingly, it is observed that there is no need to rectify the order dated 06.03.2023 and 26.07.2023 and hence, the application filed by the respondent for review of orders is rejected.


6. When the matter was heard on 26.07.2023, the Authority had already decided to dispose of the matter since the promoter has applied for extension of the project vide application dated 03.05.2023. Reiterating the said order, present complaint is accordingly **disposed of**. It is made clear that the ban on sale of unsold inventory or creation of third party rights in the project will continue till extension is granted.

7. File be consigned to record room and order be uploaded on the website of the Authority.


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Chander Shekhar
Member


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Dr. Geeta Rathee Singh
Member


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Nadim Akhtar
Member


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Parneet S Sachdev
Chairman