HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 1747 of 2022

HRERA, Panchkula ...COMPLAINANT

VERSUS

Khatushyam Projects Pvt. Ltd. ....RESPONDENT

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

Date of Hearing: 22.05.2024

Hearing: 4th

Present: Adv. Tarun Ranga on behalf of Respondent.

ORDER (Parneet S Sachdev-Chairman)

This Suo-motu complaint was registered against the respondent for not uploading quarterly progress reports of project registered vide Registration No. 323 of 2017 dated 17.10.2017 valid upto 16.10.2022.

2. In view of aforesaid, show-cause notice dated 27.07.2022 was issued to the promoter wherein the promoter was directed to submit online quarterly progress reports up to 2nd quarter of the year 2022 within a period of 30 days on the

website of the Authority, failing which promoter will be liable for penal action U/s 63 of the RERA Act, 2016.

3. Vide reply dated 11.01.2023 the promoter has submitted that they have obtained two licences bearing no. 55 & 57 of 2017. The promoter has completed all the development works at site and obtained completion certificate vide memo no. LC-3320 & 3321/JE(SJ)/2022/29573 dated 29.09.2022. The promoter has submitted that they have not sold or booked a single plot in the said project and not received a penny from any prospective buyers (A CA certificate dated 09.01.2023 mentioning the same is enclosed).

4. On 13.03.2023, the Authority directed the promoter to file online Quarterly Progress reports upto 3rd Quarter of the year 2022 on the website of the Authority as Completion certificate was received on 29.09.2022, failing which a penalty of Rs.1000/- per day will be imposed till the Quarterly Progress Reports are uploaded online.

The Authority also directed the promoter to submit online A to H so that it may be linked to the Registration of the project.

5. On 18.12.2023, Adv. Tarun Ranga sought sometime to submit online A to H form and to upload QPRs. Since the online QPRs were not uploaded, a penalty of Rs. 1,000/- per day was confirmed.

6. In the last order the Reg. no. 324 of 2017 was written mistakenly, the registration no. of the project be read as 323 of 2017 dated 17.10.2017.

7. Today, Adv. Tarun Ranga appeared on behalf of the respondent and requested for waiver of penalty.

8. The Authority observes that penalty cannot be waived of since submission of online A to H and uploading of QPRs on the web portal is the statutory liability of the promoter. Before linking the online A to H with the Registration no. 323 of 2017, the Authority directs the promoter to show cause as to why RERA bank account has been changed without the permission of the Authority.

Further, the Authority directs the promoter to submit copy of agreement to sell, allotment letter, service plan estimates, standard design of SCOs and environmental clearance certificate. Since QPRs are not filed online, the penalty of Rs.1,000 per day imposed on 18.12.2023 is being enhanced to Rs. 5,000 per day from today till quarterly progress reports are uploaded online.

9. Adjourned to **28.08.2024**.

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