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: 03.04.2024

Hearing: 20th

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

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 then 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. The matter was last heard on 18.12.2023 wherein last opportunity was granted to the respondent to file detailed reply within fifteen days or else be present physically on the next date of hearing.

7. The promoter has filed an application on 19.12.2023 under Section 38 of RERD Act, 2016 read with Section 151 of C.P.C. seeking amendment of application dated 04.10.2023. It has been submitted that in Para 9 of application dated 04.10.2023, it was mentioned that there were only 40 units of unsold inventory and detailed list of the unsold inventory of T-1 and T-2 was annexed. However, it is now submitted vide application dated 19.12.2023 that wrong list of unsold inventory was annexed with old application (two flat nos. were incorrectly submitted) and hence corrected list is annexed and it has been prayed that correct list of unsold inventory be taken on record and may be considered for all intents and purposes. Further, it has been prayed that earlier list submitted with application

dated 04.10.2023 may kindly be deemed as omission on account of the respondent and may kindly be disregarded.

7. Today, learned counsel for the respondent stated that they have filed an application for extension of the project on 26.10.2023 and stated that detailed reply in this matter would be filed during the course of the day. He further requested that since application for extension has been filed, penalty may not be imposed.

8. In view of above, the application filed by respondent seeking amendment of application dated 04.12.2023 is allowed and corrected list is taken on record. Further, the respondent is accordingly directed to file detailed reply during the course of the day and decision on the quantum of penalty will be taken on next date of hearing after examining the reply to be filed by the respondent.

9. Adjourned to **22.05.2024.**

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