



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 3189 of 2022

HRERA, Panchkula

...COMPLAINANT

VERSUS

Ashiana Realtech Pvt. Ltd.

....RESPONDENT

CORAM:

Parneet S Sachdev

Chairman

Nadim Akhtar

Member

Dr. Geeta Rathee Singh

Member

Chander Shekhar

Member

Date of Hearing: 07.02.2024

Hearing: 4th

Present: - Sh. Puneet Bansal on behalf of the respondent.

ORDER [Parneet S Sachdev-Chairman]

Present suo-motu complaint was registered against the respondent/promoter of project "The Cubix", a Group Housing Colony on land measuring 9.40 acres in Sector-23, Dharuhera, Rewari registered vide Registration No. HRERA-PKL-RWR-39-2018 dated 20.08.2018 which was valid upto 31.03.2019. First extension was granted upto 14.03.2020 and second upto 14.09.2021. No application for extension of registration of the project as required under Section-7(3) of Real Estate (Regulation & Development) Act, 2016 have been submitted nor any

information/documents showing completion or part completion of the project issued by the competent Authority. Therefore, the said registration stands expired on 14.09.2021.

2. The Authority issued a show cause notice dated 29.11.2022 directing the promoter to furnish information relating to the status of the project on the date of expiry of the registration along with documentary evidence in support thereof within 30 days.
3. The applicant/promoter vide reply dated 02.01.2023 has submitted that part Occupation Certificate dated 08.11.2021 for tower no. A1, A2, B1, B2, EWS Block B and convenient shopping has been received. The respondent has got the license renewed from DTCP upto 14.03.2025. Further, the respondent has submitted that Phase 2 consisting of three towers is yet to be booked/developed and constructed and they will apply for necessary permissions from the Authority in future. The respondents have not submitted the reasons for the delay in completion of the project.
4. On 06.02.2023, the Authority had directed the respondent not to sell any unsold inventory or create any third-party rights in the project till extension is granted.
5. The respondent had subsequently, applied for continuation of registration for third year which was placed before the Authority on 05.07.2023. After consideration, the Authority reiterated its decision dated 17.01.2022 and asked the promoter to submit following documents:
 - a) Copy of phasing of project approved by DTCP.
 - b) Copy of demarcation plan, zoning plan, service plan estimates in addition to environment clearance certificate, if required.
 - c) Whether any third-party rights have been created?
 - d) Quarterly progress reports upto which date have been filed.
 - e) An affidavit to the effect that as and when promoter proposed to construct/develop second phase in future they will apply for necessary permission from HRERA Panchkula.



6. The respondent vide reply dated 18.08.2023 submitted an affidavit stating that they will not start the construction, development or selling of the second phase of the project in near future on the FAR measuring 19537.807 sq. mts. (out of 65698.913 sq. mts). and apply for the phasing of the license no 20 of 2012 before DTCP within 60 days. Further, the Promoter undertakes that they will get the second phase of the project registered before starting the development or selling of the land or units/flats failing which the promoter may be liable for penal action.
7. The Authority decided that:
- a. Sale in the completed four towers is allowed;
 - b. Audit of project be got done from an empanelled Firm;
 - c. Public notice be issued for inviting objections from general public.
 - d. Promoter will submit a copy of the application filed before the DTCP for phasing of project;
 - e. All the Community facilities of the project should be constructed by the promoter.
8. As per the orders of the Authority, public notices were issued on 15.09.2023 and no objections were received. Vide letter dated 28.09.2023 M/s Garg Rohit and Associates were appointed to audit the project. On 16.10.2023, the promoter submitted copy of application of phasing of project to DTCP. Audit report is awaited.
9. The Authority directs the office to issue a reminder to the auditor of the project.
10. Adjourned to 17.07.2024.



Chander Shekhar
Member



Dr. Geeta Rathee Singh
Member



Nadim Akhtar
Member



Parneet S Sachdev
Chairman