



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. (Suo-Motu)1785 of 2022

HRERA, Panchkula

...COMPLAINANT

VERSUS

Puri Construction Pvt. Ltd.

....RESPONDENT

CORAM:	Nadim Akhtar	Member
	Dr. Geeta Rathee Singh	Member

Date of Hearing: 04.12.2023

Hearing: 4th

Present: - Sh. Himanshu Juneja, counsel for the respondent

ORDER (NADIM AKHTAR- MEMBER)

This suo-motu complaint was registered against the respondent for not uploading quarterly progress reports of project registered vide Registration No. HRERA-PKL-FBD-13-2018 dated 04.06.2018 valid upto December 2018.

2. Authority vide its orders dated 28.11.2022 granted 30 days to file online QPRs up to 2nd quarter of the year 2022 failing which promoter will be liable for penal action u/s 63 of the RERA Act, 2016. Subsequently, the promoter vide reply

dated 27.02.2023, informed that they have obtained Occupation Certificate on 24.01.2019.

3. When the matter was heard on 06.03.2023, Authority imposed a penalty of ₹1,000/- per day till the quarterly progress reports are uploaded online (upto first quarter of 2019).

4. The matter was last heard on 05.07.2024, wherein neither anyone appeared nor any reply was received from the respondent. The cumulative penalty from 06.03.2023 till 05.07.2024 worked out to ₹1,22,000/-. The respondent was therefore directed to deposit the said amount in the registry of the Authority. The respondent was also directed to file the quarterly statement till which time the penalty of ₹1,000/- day shall continue.

5. The respondent has filed an application on 07.08.2023 seeking review and recall of the orders dated 06.03.2023 and 05.07.2023 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 detailed arguments were done by authorised representative of respondent on that date and Authority announced that suo motu stands disposed of, whereas penalty has been mentioned in the order which is factually incorrect. Further, hearing date i.e. 05.07.2023 was not intimated to respondent. The next date of hearing mentioned in order dated 06.03.2023 was 26.06.2023 but same got adjourned to 05.07.2023 and



said date was not informed to them or either uploaded in the adjournment notification.

It has further been submitted that another suo motu complaint bearing no. 1173 of 2022 for the same project was initiated against the respondent seeking certain information with respect to the status of the project which was duly complied with and reply was filed. Authority after considering the same, vide its order dated 10.10.2022, observed that since the project has been completed and OC has been obtained by the respondent on 24.01.2019, the notice be discharged and the suo motu be disposed of. It has been submitted that not recording of said order is also an error on the face of record. It has been prayed that application be allowed and orders dated 06.03.2023 and 05.07.2023 be reviewed and recalled.

6. Today, learned counsel for the respondent stated that they have filed hard copies of the QPRs till 31.03.2019 in the office of the Authority. On being informed that QPRs are to be filed online, he requested that fresh username and password may be provided to the respondent so that compliances can be made.

7. In regard to the application filed by the respondent seeking review and recall of order dated 06.03.2023 and 05.07.2023, it is observed as under:

- i. The Authority does not have jurisdiction to review/recall its own order, however by virtue of Section 39 of RERD 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.

ii. The present complaint has been filed against the respondent for non uploading of QPRs for the project in question. Even if the respondent has obtained OC for the project, its responsibility to make the compliances and file QPRs will continue till the completion certificate is granted by the competent authority. Said QPRs have not been filed till date. So, the contention of the respondent that Authority had announced to dispose of the matter on 06.03.2023 without insisting on filing of QPRs cannot be accepted.

iii. Further, the matter was adjourned from 26.06.2023 to 05.07.2023 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.

So, in view of above observations, the application filed by the respondent for review of orders is hereby rejected.

8. Respondent is accordingly directed to file online QPRs of the project till completion certificate is received. Further, the cumulative penalty imposed vide order dated 06.03.2023 will continue till QPRs are filed online. The cumulative



penalty from 06.03.2023 till today works out to Rs.2,74,000/-. Respondent is directed to deposit said penalty before the next date of hearing. Further, if the respondent is facing any issue with regard to filing of online QPRs, it may file an application to the Authority requesting for user name and password.

9. Adjourned to 24.07.2024.



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Dr. GEETA RATHEE SINGH
[MEMBER]



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NADIM AKHTAR
[MEMBER]