



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. (Suo-Motu) 2826 of 2022

HRERA, Panchkula

...COMPLAINANT

VERSUS

Housing Board Haryana

...RESPONDENT

CORAM: Nadim Akhtar

Member

Dr. Geeta Rathee Singh

Member

Date of Hearing: 28.08.2024

Hearing: 7th

Present:- Adv. Rajesh Kaul alongwith Sh. Parminder, Deputy DA on behalf of respondents .

ORDER (Nadim Akhtar-Member)

Present Suo-motu complaint was registered against the respondent promoter for neither completing the project within the timelines declared w/s 4(2)(1)(c) at the time of seeking registration nor applying for extension of registered project namely; "Flats For Defence Personnel, GH-5" a group housing colony measuring 1.38 acres in Sector 31, Panchkula registered vide Registration No. 30 of 2018 dated 07.08.2017 valid up to 31.12.2019. After granting benefit of covid period the registration stands expired on June 2021.

2. When this matter was heard on 05.07.2023, neither anyone appeared on behalf of respondents nor any reply was filed. Therefore, Authority in exercise of its powers

under Section 63 decided to impose a penalty of 5% of the total estimated cost of the project (as mentioned in REP-I Part C as 3849 Lakhs) amounting to **Rs 192.45 lakhs**, and directed the promoter to deposit the same in the registry of Authority before next date of hearing.

3. On 04.12.2023, neither anyone appeared on behalf of respondents nor any reply has been filed. The Authority directed the promoter to show cause as to why registration be not revoked under Section 7 of the RERA Act, 2016 for defaulting in getting the project renewed/extended as per the provisions of the Act and the rules/regulations made thereunder. The penalty of 5% of the total estimated cost of the project amounting to Rs 192.45 lakhs should also be deposited in the registry of Authority before the next date of hearing.

4. The respondent vide reply dated 25.01.2024 has informed that the internal civil and electrical works along with installation of lifts were completed on 31.12.2020 and Occupation Certificate from the competent Authority has been received on 18.11.2021.

5. On 31.01.2024, Authority was of the view that since the registration had already lapsed in June 2021 and Occupation certificate has been received on 18.11.2021, therefore the respondent should file an application for extension of registration for the gap period. Further, the respondent was directed to submit a reply to the show cause notice for penalty before the next date of hearing.

6. Thereafter, vide reply dated 19.04.2024, the respondents have informed that after the completion of project, the concerned branch remained occupied in further dealing with project, i.e., allotment and other related formalities and due to this communication gap arose and the respondent therefore could not apprise this Hon'ble Authority about the completion of the project. The respondents were also not aware of this Suo-Motu Complaint as the e-mail address provided during the registration expired long ago and now new email is in use. As soon as the respondent



received the last orders of Hon'ble Authority, dated 15.01.2024, the highest regard was given for the compliance of the orders as evident from letters under reference. That after completion of project related development works, i.e., sewer / storm lines, installation of lift, firefighting system etc. the flats were allotted and the possession certificates have already been issued to the allottees w.e.f. Jan 2022 and the allottees are residing in their allotted flats since then and there is no inconvenience of any kind. Therefore, the respondents requested to dismiss the Suo-moto complaint No. RERA-Panchkula-2826-2022 and the penalty imposed may be withdrawn in the interest of justice.

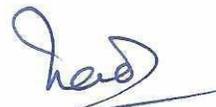
7. The Authority on the last date of hearing, i.e., 24.04.2024 was of the view that since penalty of Rs 192.45 Lakhs has already been imposed by the Authority vide its order dated 04.12.2023 and the reply dated 19.04.2024 filed by the respondents is not satisfactory, therefore the Authority directs the District Attorney or the person heading the legal cell of the Housing Board Haryana to come present before the Authority on the next date of hearing.

8. Today, Deputy DA of the respondents has come present before the Authority and informed that they are filing reply in the registry requesting the Authority to waive off the penalty imposed however they have failed to quote any specific provision of the Act/Rules under which such penalty could be waived of by the Authority. Therefore, the said penalty be deposited in the registry of the Authority before the next date of hearing. Adv. Rajesh Kaul sought time to file appeal before the Tribunal.

9. Adjourned to 04.12.2024.



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Dr. Geeta Rathee Singh
[Member]



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Nadim Akhtar
[Member]