HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. (Suo-Motu) 2064 of 2023

HRERA, Panchkula ...COMPLAINANT

VERSUS

RPS Infrastructure Ltd. ....RESPONDENT

CORAM:	**Nadim Akhtar**	**Member**
	Dr. Geeta Rathee Singh	**Member**
	Chander Shekhar	**Member**

Date of Hearing: 04.12.2024

Hearing: 5th

Present: - Adv. Vaibhav Deeka, proxy counsel for the respondent through video conference

ORDER (NADIM AKHTAR - MEMBER)

Present suo-motu complaint was registered against the respondent promoter for changing the existing RERA Bank Account in Vijaya Bank (830100301000874) to new Bank Account in IndusInd Bank (259818034793) of project namely; "RPS Auria Phase 2-Tower T-I, T-3, T-5 & Support &

Recreational Building"- Group Housing Colony on land measuring 40754.81 sq. mtrs. situated in village Palwali, Kheri Kalan and Baselwa, Faridabad registered vide Registration No. 199 of 2017 dated 15.09.2017 valid upto 14.09.2024.

2. A show cause notice dated 15.09.2023 under Section-35 of the RERA Act, 2016 was issued to the respondent promoter as to why permission of the Authority was not obtained before changing the said Account. The respondent was also directed to furnish the following information:

i. Whether the entire balance in old account including amount of term loan was transferred to the new RERA Account in IndusInd Bank.

ii. Since the project land has been mortgaged, how the conveyance deed of allottees will be got executed?

3. The matter was heard on 10.01.2024 wherein it was observed that since the respondent has changed its bank account without the permission of the Authority, it has violated the provisions of the Act, therefore, respondent was burdened with a penalty of ₹3,00,000/- to be paid before the next date of hearing.

4. The matter was last heard on 24.07.2024 wherein learned counsel for the respondent stated that an application for recall of orders dated 10.01.2024 has been filed in the registry of the office and office was directed to examine the application and place before the Authority on the next date of hearing.

5. The respondent vide application dated 24.07.2024 has sought recall of order dated 10.01.2024 and setting aside of penalty of ₹3 lacs imposed on him. The respondent has stated that the order dated 10.01.2024 has been passed without jurisdiction and is liable to be set aside as no violation of any provision of the RERA Act, 2016 has been committed by respondent by changing the bank account pertaining to the project in question.

6. Sh. Vaibhav Deeka, proxy counsel for the respondent sought adjournment as arguing counsel is not available.

7. Adjourned to **29.01.2025.**

Chander Shekhar
Member

Dr. Geeta Rathee Singh
Member

Nadim Akhtar
Member