HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 2126 OF 2023

HRERA, Panchkula ....COMPLAINANT

VERSUS

Fidato Buildcon Private Limited. ....RESPONDENT

CORAM:	**Parneet S Sachdev**	**Chairman**
	Dr. Geeta Rathee Singh	**Member**
	Chander Shekhar	**Member**

Date of Hearing: 18.12.2024

Hearing: 6th

Present: - Adv. Deepak Agarwal, learned counsel for the respondent through video conference

ORDER (PARNEET S SACHDEV - CHAIRMAN)

This suo-motu complaint relates to the project of an affordable plotted colony being developed over land measuring 11.706 acres namely; "Honour Homes" situated in Sector 89, Faridabad registered vide Registration No. HRERA-PKL-61-2018 dated 18.10.2018 valid upto 30.11.2022. Notice under Section 35 of the Act was issued to the promoter for non-submission of following information/documents in the said project:-

i) For not uploading quarterly progress reports of above-mentioned project regularly. The quarterly progress reports have only been submitted upto 31.03.2019. The Completion Certificate was granted on 27.07.2020, QPR up to third quarter of 2020 are required to be submitted.

ii) Approved copies of Zoning Plan and Service Plan/Estimates have not been submitted.

iii) Duly approved building plans in respect of commercial pocket measuring 0.253 Acres have not been submitted.

iv) NOC/Clearance as per provisions of notification dated 14.09.2006 issued by MOEF, Govt of India before execution of development works at site have not been submitted.

2. When this matter was heard on 30.10.2023, the promoter was directed to submit the above said information/documents before the next date of hearing failing which show cause as to why penalty upto 5% of the estimated cost of the project be not imposed upon him under Section 61 read with Section 63 of the RERA Act, for contravention of the provisions of the Act and not complying with the orders of the Authority.

3. The matter was then heard on 11.12.2023, when a penalty of ₹5 Lacs was imposed u/s 61 of the Act and it was observed that it may extend upto 5% of the estimated cost of the project, if the orders of the Authority are not

complied with and the said amount is not deposited before the next date of hearing.

4. Respondent vide reply dated 30.04.2024 informed that the Director of the company is suffering from liver cirrhosis since last ten years and had the liver transplant in the year 2016. After obtaining completion certificate dated 27.07.2020 from DTCP, the respondent assumed that RERA compliances have been completed and the Director of the company could not file the compliances presuming that CC has been obtained. It has been submitted that non filing of compliances is neither deliberate nor intentional but was only due to COVID-19, medical ailments and obtaining of CC. Further, the company did not remember the user-id and password of the RERA portal for filing compliances and an email dated 25.04.2024 was sent for providing username and password. Request has been made to waive the cost of ₹5 Lacs in the light of the medical condition of the Director of the company.

The respondent has submitted a copy of approved zoning plan, environment clearance, standard designs of commercial pocket and hard copy of QPRs.

5. The matter was then heard on 01.05.2024 wherein it was observed that respondent is under an obligation to make all compliances till completion certificate is granted. Non complying with the provisions of the Act whether intentionally or not amounts to its violation and hence makes the respondent liable for imposition of penalty. The penalty of ₹5 Lacs imposed vide order

dated 11.12.2023 cannot be waived and therefore be deposited before the next date hearing. Respondent was also directed to submit the service plan estimates of the project and file online QPRs. Office was directed to provide username and password to the respondent.

7. In compliance of the above orders, username and password was provided to the promoter on 10.06.2024. The respondent has filed QPRs upto 30.09.2020 (i.e. upto the date of completion of the project) on 15.08.2024. However, copy of service plans/estimates have not been submitted and penalty of ₹5 lac has not been deposited by the respondent.

8. The matter was last heard on 04.09.2024 wherein learned counsel for the respondent stated that they have filed an appeal before Hon'ble Real Estate Appellate Tribunal against the order imposing penalty. In this regard it was observed that since there is no stay against the order passed by the Authority, respondent was directed to comply with the same and deposit the penalty and submit copy of service plans/estimates before the next date of hearing.

9. The respondent vide reply dated 08.11.2024 has submitted service plans of the project and has requested that the penalty of ₹5 lac be waived of in light of the medical condition of the Director of the respondent company.

10. In view of above, it is observed that as per the provisions of the RERD Act, 2016, the Authority does not have powers to review its own orders. Hence, the penalty already imposed cannot be waived of. Accordingly, the

respondent is directed to deposit the above said penalty and copy of service estimates before the next date of hearing failing which Authority will be constrained to impose additional penalty.

9. Adjourned to **19.02.2025**.

Chander Shekhar
Member

Dr. Geeta Rathee Singh
Member

Parneet S Sachdev
Chairman

Haryana Real Estate Regulatory Authority • Panchkula