



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO.(Suo-Motu) 1923 of 2022

HRERA, Panchkula

...COMPLAINANT

VERSUS

Crown Realtech Pvt. Ltd.

....RESPONDENT

CORAM:

Parneet S Sachdev

Chairman

Nadim Akhtar

Member

Dr. Geeta Rathee Singh

Member

Chander Shekhar

Member

Date of Hearing: 07.08.2024

Hearing: 7th

Present: -

Adv. Anjanaya Mishra, counsel for the respondent

Mr. Salil Barar, Director of respondent company

ORDER (PARNEET S SACHDEV - CHAIRMAN)

This suo-motu complaint was registered against the respondent promoter for not uploading quarterly progress reports of project registered vide Registration No. HRERA-PKL-FBD-179-2019 dated 21.11.2019 valid upto 31.10.2020.

2. A show cause notice was issued on 17.08.2022 for not uploading quarterly progress reports on the web portal of the Authority.

3. The matter was heard on 11.12.2023, wherein Authority observed that since QPRs have not been filed till date, therefore, penalty of ₹1000/- per day imposed on 20.03.2023 be enhanced to ₹10,000/- per day from today till quarterly progress reports are uploaded online. The respondent promoter should therefore file the QPRs and deposit the said amount in the registry of the Authority before the next date of hearing.

4. The matter was heard on 10.04.2024 wherein Adv. Bhavesh, appeared on behalf of respondent and submitted that respondent company has been taken over by the Resolution Professional and all previous non-compliances of the promoter will be done by previous management. He sought time to file detailed reply in the matter and Authority directed the respondent to file its reply within fifteen days and also submit a copy of the orders of Hon'ble NCLT wherein he has been appointed as a Resolution Professional.

5. The matter was last heard on 22.05.2024 wherein penalty of ₹10,000/- per day imposed on 11.12.2023 was enhanced to ₹25,000/- per day till quarterly progress reports are uploaded online.

7. The respondent vide application dated 10.07.2024 filed under Section 39 of the Act has sought rectification of the orders dated 20.03.2023 and 11.12.2023

wherein penalty of ₹1,000/- per day was imposed from 20.03.2023 and subsequently penalty of ₹10,000/- per day was imposed from 11.12.2023 till QPRs are uploaded online. The respondent has submitted that the company was undergoing insolvency proceedings before Hon'ble NCLT from 06.12.2019 till 21.02.2023 during which time Resolution Professional was controlling and managing the affairs of the company. The allottees of the project formed an association namely, "Crown Abacus IT Park Association", a society duly registered under the provisions of the Haryana Registration and Regulation of the Society Act, 2012. On 21.02.2023 Hon'ble NCLT approved the resolution plan of the association. It has been submitted that the show cause notice dated 17.08.2022 was never received by the present Directors or management of the respondent company and they came to know about the same on 01.04.2024. Vide letter dated 25.06.2024, they requested the Authority to provide user ID and password in order to update the QPRs. It has been submitted that there was no deliberate or intentional non-compliance or contravention on the part of the present management of the company and therefore present application has been preferred seeking rectification of orders dated 20.03.2023 and 11.12.2023 and waive off the penalties upon respondent company.

8. Today, counsel for the respondent stated that QPRs have been filed upto 30.06.2024 on 06.08.2024. He requested that since the matter was pending before



Hon'ble NCLT and the association of allottees have taken over the project to complete it, they may not be considered at par as a promoter of the company and penalty imposed for non uploading of QPRs be waived of.


9. In view of above, it is observed that the cumulative penalty till 05.08.2024 works out to ₹37,96,000/-. However, keeping in view the fact that the matter was pending before Hon'ble NCLT and association has taken over the project on 21.02.2023, therefore, the association should not be treated as a promoter of the company. Hence the association/present management is not liable to pay the said penalty and cannot be burdened with payment of ₹37,96,000/-. However, since he QPRs were not uploaded in time, a token penalty of ₹1 lac is imposed and respondent is directed to deposit the same before the next date of hearing.

10. Adjourned to 05.02.2025.


Chander Shekhar
Member


Dr. Geeta Rathee Singh
Member


Nadim Akhtar
Member


Parneet S Sachdev
Chairman