HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 221 OF 2024

HRERA, Panchkula ....COMPLAINANT

VERSUS

Aarcity Builders Private Limited ....RESPONDENT

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

Date of Hearing: 23.10.2024

Hearing: 5th

Present: - None.

ORDER (Parneet S Sachdev-Chairman)

1.This Suo-motu complaint relates to the project namely, 'Regency Park' - a group Housing Colony on land measuring 8.181 acres situated in Village Satrod Khurd, Sector 11A and 17, Tehsil and District Hisar, Haryana registered vide Registration No. 295 of 2017 dated 13.10.2017 valid upto 31.12.2021.

2. A show cause notice dated 08.02.2024 u/s-35 of the RERD Act,2016 was issued to the promoter as to why penalty under Section-61 of the Act may

not be imposed for not applying for extension in time as per the provisions of RERD Act,2016.

3. On 21.02.2024, learned counsel Sh. Tarun Ranga appeared and sought time to file reply. The Authority granted last opportunity to reply to the show cause notice.

4. Today, learned counsel Sh. Tarun Ranga appeared and sought time to file reply as orders of the Authority dated 21.02.2024 were uploaded on 09.04.2024. Acceding to the request of the learned counsel, the Authority grants time to the promoter to file reply before the next date of hearing.

5. Vide reply dated 10.04.2024, the Promoter submitted that there was no deliberate delay in applying for extension. Following were the circumstances due to which application of extension could not be made :

i. Registration of Project expired on 31.12.2021. Due to Covid Extension of 9 months, the registration stands expired on 30.09.2022.

ii. In June 2022, when the promoter had a talk with his Advocate regarding extension , the Promoter was told to wait as various RERA Authorities and other Courts has condoned Limitation Period upto 15-24 months.

iii. Health of the Director who is 74 years of age deteriotered due to which extension could not be applied.

iv. Extension application was made on 25.01.2023 within the scope and the delay was unintentional and due to health reasons of the Director. Promoter requested to forgive the delay in the interest of justice.

6. On 05.06.2024, the Authority was of the view that the registration of the project was valid upto 31.12.2021 and the promoter submitted an application for extension on 02.02.2023 after a long delay of more than two years. Therefore, by taking a lenient view, Authority decided to impose penalty of Rs. 5 Lacs under Section-61 of the Act for not applying for extension in time as per the provisions of RERD Act, 2016. The Authority

directed the Promoter to deposit the said penalty before the next date of hearing.

7. On the last date of hearing, i.e., 28.08.2024, Adv. Tarun Ranga sought time to pay the penalty imposed on 05.06.2024. Acceding to the request of the counsel, Authority directed the Promoter to deposit the said penalty of Rs.5 Lacs in the registry of the Authority before the next date of hearing failing which an additional cost of Rs. 2 Lacs will be imposed.

8. Now, vide reply dated 25.09.2024, the promoter has deposited the part payment, i.e., Rs. 2 Lacs and requested to allow two quarter time to deposit remaining payment. In view of the above, the Authority grants one last opportunity to the respondents to deposit the remaining penalty failing which an additional cost of Rs. 2 Lacs (as reflected in the order dated 28.08.2024) shall be imposed.

8. Adjourned to **18.12.2024.**

Chander Shekhar	Dr. Geeta Rathee Singh	Nadim Akhtar	Parneet S Sachdev
Member	Member	Member	Chairman