HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. (Suo-Motu) 3017 of 2022

HRERA, Panchkula ...COMPLAINANT

VERSUS

TDI Infrastructure Ltd ....RESPONDENT

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

Date of Hearing: 06.11.2024
Hearing: 8th
Present: Adv. Rahul Diwan (representing Adv. Shubhnit Hans) 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 u/s 4(2)(l)(c) at the time of seeking registration nor applying for extension of registered project namely; "Espania 1", a group housing colony on land measuring 12.64 acres situated in Sector 19, Sonipat registered vide Registration No. HRERA-PKL-SNP-161-2019

dated 15.11.2019 valid upto 31.12.2020. After granting benefit of covid period the registration stands expired on 30.09.2021.

A show cause notice dated 21.11.2022 was issued to the respondent promoter directing to furnish information relating to the status of the project on the date of expiry of registration.

2. When this matter was heard by the Authority on 23.01.2023, Authority had directed the promoter not to sell any unsold inventory or create any third party rights in the project till extension is granted.

3. Subsequently on 26.07.2023, no one appeared on behalf of respondents nor any reply was filed. The Authority also directed the promoter to show cause as to why penalty proceedings U/s 61 read with Section 63 be not initiated for failure to comply with the orders of the Authority.

4. On 04.12.2023, neither anyone appeared nor any reply filed. The Authority therefore granted one last opportunity to the respondent to comply with the orders failing which it will be constrained to impose a penalty of Rs. 5 Lac under Section 60 and 61 read with Section 63 for contravention of the provisions of the Act and not complying with the orders of the Authority.

5. On 31.01.2024, the Authority imposed a penalty of Rs 5 Lacs under Section 60 and 61 read with Section 63 of the RERA Act, 2016. The orders were

sent through mail on 18.04.2024 and registered post on 28.03.2024, which was delivered to the respondents on 30.03.2024.

6. On 24.04.2024, Adv Shubhnit Hans stated that they are in the process of filing application for extension before the Authority and will also deposit penalty of Rs 5 lacs and requested for some more time to comply with the same, therefore, the Authority granted one last opportunity to the respondents to comply with the above orders and deposit penalty of Rs 5 Lacs failing which an additional cost of Rs 2 Lacs shall be imposed.

7. On the last date of hearing, i.e., 24.07.2024, the Authority observed that since extension application/reply to the observations have still not been filed by the promoter therefore additional penalty of Rs 2 Lacs alongwith the already imposed penalty of Rs 5 lacs was confirmed. The respondent was directed to file for extension before the next date of hearing alongwith the penalties.

8. Today also Adv Rahul appearing on behalf of respondents apprised that reply has not been filed. In view of above, it is observed that the respondent has failed to comply with the orders of the Authority despite several opportunities being granted to him. There is an intentional non-compliance of the provisions of the Act on the part of the respondent. Hence, the Directors/one of the Director of the respondent promoter is directed to appear personally on the next date of hearing and explain their stand.

A copy of this order be sent to the respondent promoter through mail and registered post.

9. Adjourned to **08.01.2025**.

Chander Shekhar Member	Dr. Geeta Rathee Singh Member	Nadim Akhtar Member