HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO.(SUO-MOTU) 1973 OF 2022

HRERA, Panchkula ...COMPLAINANT

VERSUS

The New Shri Surya EWS Cooperative Group Housing Society ....RESPONDENT

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

Date of Hearing: 19.02.2025

Hearing: 8th

Present: Sh. Sushil Sharma (President of the society) on behalf of Respondent.

ORDER (Parneet S Sachdev-Chairman)

This suo-motu complaint was registered against the respondent for not uploading quarterly progress reports of project registered vide Registration No. HRERA-PKL-PNP-271-2021 dated 12.10.2021 valid upto 31.12.2023.

2. A show-cause notice dated 18.08.2022 was issued to the promoter for not uploading quarterly progress reports on the web portal of the Authority.

3. On 20.03.2023, Authority imposed a penalty of Rs. 1,000/- per day till the Quarterly Progress Reports are uploaded online.

4. On 24.01.2024, the cumulative penalty worked out to Rs. 3,11,000/-.

5. On 05.06.2024, the cumulative penalty worked out to Rs. 16,40,000/-. Since the promoter had failed to file online quarterly progress reports up to 2nd Quarter of the year 2022, the cumulative penalty from 20.03.2023 till date works out to Rs. 53,85,000/-. The respondent should therefore deposit the said amount before the next date of hearing.
6. The respondent vide letter dated 05.06.2024, stated as follows:
   I. *The respondent are small cooperative group housing society who has constructed this project;*
   II. *That project is completed before the stipulated time and OC has been granted on 04.03.2024 (copy not enclosed)*
   III. *That they have received notice dated 20.05.2024 and came to know about this suo motu complaint, before that they were not having any knowledge whatsoever.*
   IV. *That the respondent is not as such a 'professional' promoter who develops and constructs project solely for the purpose of profits. This EWS is run by somewhat layman persons who are not well versed with the provisions of the law. That the respondent would suffer irreparable loss and injury if the cumulative penalty imposed upon is not waived of.*
   V. *Requests to waive the cumulative penalty imposed in the interest of justice.*
7. On 14.08.2024, Sh. Sukhdev Singh appearing on behalf of the respondent requested the Authority to waive of the cumulative penalty which was denied since there is no statutory provision under the Act to waive of the said penalty. Further, a request for ID and password was made by the respondent and also prayed for some time to upload the QPRs online.
8. The Authority accepted the request and directed the respondent to file the QPRs within fifteen days failing which penalty of Rs. 25,000/- per day shall be continued from today. Further, the respondent should file a written request for providing username and password.
9. The representative informed that QPRs have been uploaded till 31.03.2024 on 14.10.2024. Vide reply dated 21.10.2024, the promoter states that OC of the project has been granted on 04.03.2024 and requests to waive off the cumulative penalty imposed in the interest of justice since they do not intend to generate profit from this development as they are a cooperative housing society.

They have also stated that the Authority is requested to consider their OC as Completion Certificate.

10. The Authority observes that the promoter has to upload QPRs till completion certificate is granted. Further, the Authority opined that it does not have the powers to review its own orders, therefore, the respondent should seek alternate remedies.

Since the QPRs upto June 2022 have been uploaded on 14.10.2024, the respondent is directed to deposit the cumulative penalty of Rs. 69,10,000/- (from 20.03.2023 to 13.10.2024) in the registry of the Authority before the next date of hearing failing which interest will be charged.

11. Adjourned to **02.07.2025**.

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