



# HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

## COMPLAINT NO. 1081 of 2020

HRERA, Panchkula

...COMPLAINANT

VERSUS

Parsvnath Developers Ltd.

...RESPONDENT

**CORAM:** Parneet S Sachdev  
Nadim Akhtar  
Chander Shekhar

Chairman  
Member  
Member

**Date of Hearing:** 05.03.2025

**Hearing:** 26<sup>th</sup>

**Present: -** Adv. Rupali Verma on behalf of Respondent.

### **ORDER (Parneet S Sachdev-Chairman)**

This suo-motu complaint was registered in respect of registration no.132 of 2017 dated 28.08.2017, granted for a group housing project namely; "Parsvnath Preston", measuring 6.73 acres, which lapsed on 31.12.2019.

2. The Authority on 21.11.2023 had observed that the case relating to the extension of registration submitted on 18.11.2021 was placed before the Authority in its meeting held on 29.11.2021 wherein it was observed that *the item was*

*withdrawn with the permission of the chair as the matter had already been considered by the Authority while hearing Suo motu complaints. Further, the Authority vide its orders dated 29.11.2021 had already directed Sh. Sanjeev Jain, Managing Director of the company to submit a comprehensive action plan for development of the project and also the source from which funds will be arranged.*

3. The matter was heard by the Authority on 06.11.2024, wherein the Authority after hearing the pleadings of the counsel directed the promoter to submit the following: -

- i. *Detailed tower wise resolution plan reflecting quarter wise work to be done in each quarter, total funds already lying with the company and the fund which are expected to fill the gaps.*
- ii. *Photographs of the existing towers.*
- iii. *Status of renewal of license granted by DTCP, Haryana.*
- iv. *Application for extension on Form REP-V, from the expiry of validity of registration, upto present date alongwith further time required to complete the said project.*
- v. *Complete data showing the total number of unsold units lying with the company and details of units where settlement has been arrived with the allottees alongwith the settlement deeds.*
- vi. *Consent of allottees who are to be shifted.*

4. On the last date of hearing i.e., 08.01.2025, Adv Rupali Verma appearing on behalf of the respondents informed that they are filing a detailed reply. Authority directed the office to examine the same and put up on the next date of hearing.

5. Vide reply dated 08.01.2025, the respondent has submitted the following: -

- i. Respondent was planning to develop six ('6') towers in the said project consisting Towers bearing no. 1, 2,3,4,5, and 6. However, in order to make early completion of the project, the company has planned to develop and construct first three (3) towers bearing nos. 4, 5 and 6 in the said Project which shall be completed within a period of 24 months subject to receipt of the revised sanctioned plan and other force majeure conditions.

The respondent has planned to infuse funds from its own resources. At present there are no funds lying in the RERA Escrow account as after

implementation of the RERA Act, neither any fresh sale in the said project has been done nor any amount has been received from the existing allottees. Therefore, no funds are lying in the Escrow account maintained by the company as of now with regard to the said Project. However, the Company undertakes to infuse the funds as required for completion of the Project as and when the revised building plans shall be sanctioned and construction shall be commenced. Moreover, the said Project is having suffice liquidity to make the project viable and to get it completed. In addition to this the Promoter is not evading from its own liability towards completion of the Project and as and when if more funds would be required to complete the Project, the Promoter shall infuse the same.

ii. Photographs of Tower 4,5 and 6 have been submitted by the respondent.

iii. The Licence bearing no. 1205 of 2006 dated 06.10.2006 is now valid till 05.10.2024 and the company is in the process of applying for the renewal of the licence till 05.10.2029.

iv. Promoter is making all its earnest efforts to apply for further extension of time on form REP-V for the validity of registration of the Project. They requested the Authority to grant some more time for applying for extension. They further submitted that the Promoter is taking all the endeavours to complete the project and as per the planning, the construction shall take at least 24 months to complete subject to force majeure condition and sanction of the pending approvals from the concerned authority.

v. Initially the respondent was planning to develop 6 towers in the said project which consist a total of 392 Units. At the time of applying for Registration under the RERA Act, 271 units stood sold at that time. However due to various unanticipated reasons, the customers started seeking refund of the amount and filed several litigations against the company which forced the company to cancel the allotment and refund the amount deposited by them. Hence, by lapse of time, 76

units have been cancelled till date and the company has already refunded the amount with interest as per the settlement /satisfaction of the customer or in compliance of the order passed by the Consumer Commission/ HRERA or in pursuance of any order passed by any Authority. Out of the remaining 195 units around 82 bookings are under the process of cancellation. Out of these 82 units, meagre amount has been received from 24 units and rest of the customers have already sought their legal remedies by filing cases before the court/ authorities claiming refund of the amount with interest. Hence, booking of only 113 allottees shall survive who shall be accommodated in towers bearing no. 4, 5 and 6 which are in advance stage of construction. Subject to cancellation of 82 units, there would be 279 unsold units in the said project.

vi. Project is still under construction therefore no consent has been obtained from the allottees with regard to shifting of the unit. They submitted that the promoter has been planning to develop three towers bearing no 4,5 and 6 which consist of 224 units wherein all the existing allottees shall be accommodated. That upon completion of these three towers, the customers shall be shifted in these three towers and consent from the allottees will be obtained at that time which shall be submitted to the Authority.


6. After perusal of reply, the Authority observes that the respondent has failed to complete the project within stipulated time nor applied for further extension in the prescribed form REP-V for getting the validity of registration extended. Therefore, there seems to be intentional non-compliance of the provisions of the Act on the part of the respondent. Hence, the Managing Director/one of the Directors of the respondent is directed to appear personally on the next date of hearing and explain their stand. The promoter should also deposit the penalty of Rs 5 Lacs imposed by the Authority on 15.05.2024 before the next date of hearing

since the request made by the respondent on 06.11.2024 regarding waiving of the penalty has been rejected by the Authority.

7. Acceding to the request of counsel to grant weeks' time to file reply, matter is adjourned to 26.03.2025.

  
.....  
**Chander Shekhar**  
Member

  
.....  
**Nadim Akhtar**  
Member

  
.....  
**Parneet S Sachdev**  
Chairman

