HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 1746 of 2022

HRERA, Panchkula ...COMPLAINANT

VERSUS

Khatushyam Projects Pvt. Ltd. ....RESPONDENT

CORAM: **Nadim Akhtar** **Member**

Dr. Geeta Rathee Singh **Member**

Date of Hearing: 28.08.2024

Hearing: 5th

Present: Adv. Tarun Ranga on behalf of Respondent.

ORDER (Nadim Akhtar-Member)

This Suo-motu complaint was registered against the respondent for not uploading quarterly progress reports of project registered vide Registration No. 324 of 2017 dated 17.10.2017 valid upto 16.10.2022.

2. In view of aforesaid, show-cause notice dated 27.07.2022 was issued to the promoter wherein the promoter was directed to submit online quarterly progress reports up to 2nd quarter of the year 2022 within a period of 30 days on the website of the Authority, failing which promoter will be liable for penal action U/s 63 of the RERA Act, 2016.

3. Vide reply dated 11.01.2023 the promoter has submitted that they have obtained two licences having no. 55 & 57 of 2017. The promoter has completed

all the development works at site and obtained completion certificate vide memo no. LC-3320 & 3321/JE(SJ)/2022/29573 dated 29.09.2022. The promoter has submitted that they have not sold or booked a single plot in the said project and not received a penny from any prospective buyers. (A CA certificate dated 09.01.2023 mentioning the same is enclosed).

4. On 13.03.2023, the Authority directed the promoter to file online Quarterly Progress reports upto 3rd Quarter of the year 2022 on the website of the Authority as Completion certificate was received on 29.09.2022, failing which a penalty of Rs.1000/- per day will be imposed till the Quarterly Progress Reports are uploaded online.

The Authority also directed the promoter to submit online A to H so that it may be linked to the Registration of the project.

5. On 18.12.2023, Adv. Tarun Ranga sought sometime to submit online A to H form and to upload QPRs. Since the online QPRs were not uploaded, a penalty of Rs. 1,000/- per day was confirmed.

6. On the last date of hearing, i.e. 22.05.2024, Adv. Tarun Ranga appeared on behalf of the respondent and requested for waiver of penalty.

The Authority observed that penalty cannot be waived of since submission of online A to H and uploading of QPRs on the web portal is the statutory liability of the promoter. Before linking the online A to H with the Registration no. 324 of 2017, the Authority directs the promoter to show cause as to why RERA bank account has been changed without informing the Authority.

Further, the Authority directed the promoter to submit copy of agreement to sell, allotment letter, service plan estimates, standard designs of SCOs and environmental clearance certificate. Since QPRs were not filed online, the penalty of Rs.1,000/- per day imposed on 18.12.2023 was enhanced to Rs. 5,000/- per day till quarterly progress reports are uploaded online.

7. Today, Adv. Tarun Ranga seeks time to file reply.

8. The total cumulative penalty from 18.12.2023 to 27.08.2024 works out to Rs. 6,46,000/-. The respondent should therefore deposit the said amount before the next date of hearing.

Since the online QPRs are not uploaded, the penalty of Rs. 5,000/- per day imposed on 22.05.2024 is being enhanced to Rs. 10,000/- per day from today till quarterly progress reports are uploaded online.

It is further made clear that penalty of Rs. 10,000/- per day shall continue till the date quarterly progress reports are filed by promoter.

9. Adjourned to **19.02.2025**.

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DR. GEETA RATHEE SINGH
[MEMBER]

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NADIM AKHTAR
[MEMBER]