HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. (Suo-Motu) 3071 of 2022

HRERA, Panchkula ...COMPLAINANT

VERSUS

Best Deal Housing & Constructions Pvt Ltd ....RESPONDENT

CORAM: **Nadim Akhtar** **Member**
Chander Shekhar **Member**

Date of Hearing: 08.01.2025

Hearing: 7th

Present: Sh. Dinesh Gupta, Director of the company and Adv. Tarun Ranga on behalf of the Respondent.

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 "Gulmohar City" a Residential Plotted Colony measuring 31.038 acres situated in Sector 29 (Village Shergarh and Patti Gaadar), District Kaithal registered by the Authority vide Registration No. RERA-PKL-KTL-51-2018 Dated 03.10.2018 which was valid upto March

2021. After granting benefit of covid period the registration stands expired in December 2021.

2. A show cause notice dated 06.10.2022 was issued to the respondent promoter directing to furnish information relating to the status of the project on the date of expiry of registration.

3. On 17.04.2023, Authority directed the promoter not to sell any unsold inventory or create any third-party rights in the project till extension is granted.

4. On 17.07.2023, the Authority directed the promoter to show cause as why penalty proceedings under section 63 read with section 59 of the RERA Act 2016 for failure to comply with the orders of the Authority may not be initiated.

5. On 28.08.2023, no one appeared on behalf of the promoter nor was any reply filed. Further, on 17.07.2023, inadvertently provisions under section 63 read with section 59 were recorded for imposing penalty however, the Authority on 28.08.2023 again directed the promoter to show cause as to why penalty proceedings under Section 61 read with Section 63 & 60 of the RERA Act 2016 for failure to comply with the orders of the Authority be not initiated. The ban on sale of any unsold inventory or creation of any third-party rights in the project will continue till extension is granted.

6. On 24.01.2024, Authority granted one last opportunity to the respondent to comply with the orders failing which Authority will be constrained to impose penalty of Rs. 5 lacs u/s 61 r/w Section 63 & 60 for contravention of the provisions of the Act and not complying with the orders of the Authority.
Further, the office was directed to send a copy of this order to respondent promoter through mail and registered post.

7. Orders dated 24.01.2024 were sent via post on 20.05.2024 however the same were returned on 27.05.2024 with the remarks that 'addressee left without instructions' and email address submitted by the promoter shows 'address not

found', Therefore, the Authority directed the office to send a copy of these orders on the address shown on the MCA website.

8. On 12.06.2024, neither anyone appeared on behalf of the respondent nor any reply filed. Authority decided to impose a penalty of Rs. 5 lacs and directed the respondent to deposit the said amount in the registry before the next date of hearing. Further, the Authority directed to submit the above said information/documents before the next date of hearing and Managing Director/one of the Directors be personally present on the next date of hearing failing which additional cost will be imposed. Further, the office was directed to send a copy of this order to respondent promoter through mail and registered post.

9. As per the orders of the Authority, last orders were sent on the address mentioned in MCA website via post on 24.10.2024 however it was returned as 'addressee left without instructions' and email address submitted by the promoter shows 'address not found'. The orders have been sent to the address provided by the promoter as well as the address mentioned in the MCA website along with the e-mail address provided by the promoter. The Suo-moto orders are also uploaded on the website of the Authority.

10. On the last date of hearing i.e. 06.11.2024, neither anyone appeared on behalf of the respondent nor any reply filed. Since Managing Director/one of the directors is not present, hence, Authority decides to impose a cost of Rs. 1 lac (as the promoter is appearing in the other cases through its counsel) and voluntarily avoiding the hearing in this case. The respondent is directed to comply with the last orders of the Authority before next date of hearing failing which additional penalty of Rs. 2 lacs will be imposed. Managing Director/ one of the Directors be personally present on the next date of hearing.

11. Today, Sh. Dinesh Gupta, Director of the company along with learned counsel Sh. Tarun Ranga appeared and submitted that QPRs till 30th June 2024 have been uploaded on 13.11.2024. The Authority directs the promoter to deposit an affidavit regarding no. of units sold and updated address of the company and further directs to deposit the penalty of Rs. 6 Lakhs before next date of hearing i.e., 05.03.2025.

12. Adjourned to **05.03.2025.**

Chander Shekhar
Member

Nadim Akhtar
Member