HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. (Suo-Motu) 3340 of 2022

HRERA, Panchkula ...COMPLAINANT

VERSUS

Parsvnath Developers Ltd. ....RESPONDENT

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

Date of Hearing: 20.11.2024

Hearing: 8th

Present: Adv. Rupali Verma and Sh. Pranay Suhail & Mohd. Suhail on behalf of respondents.

ORDER (NADIM AKHTAR- MEMBER)

This suo-motu complaint was registered against the respondent/promoter u/s 35 of RERA Act, 2016 wherein a show cause notice was issued to the promoter as to why further sale in the project may not be stopped as the license granted by DTCP was valid upto 26.03.2019 and the same has not been renewed.

2. When this matter was heard by the Authority on 04.09.2023, the Authority observed that since the license of the colony has still not been renewed, therefore the promoter was directed to show cause as to why penalty proceedings under

Section 61 read with Section 63 of the RERA Act 2016 for failure to comply with the orders of the Authority may not be initiated. Ban on sale of unsold inventory shall continue.

3. Thereafter on 16.11.2023, objections by the allottees of the project were received in which they had stated that work progress is very slow and the promoter has already sought two extensions since 2018. They further stated that more than 100 allottees have been given fit out possession of flats and are allowed to live there and Managing Directors are continuously threatening them that they will cut electricity supply. They are in peaceful protest in premises, sale of flats is still going on in spite of sale ban, as averred by the allottees. They further objected that on 04.09.2023, respondent made a statement that club is complete and operational, which is false. There is no club in premises.

4. Further, the respondents vide reply dated 15.01.2024 have informed that: -

i. License of the colony was valid upto 26.03.2019, they have applied for renewal before the competent Authority and it is still under process.
ii. They further stated that the objections of association are vague and bogus
iii. Construction of Tower 1,2,3,4,5,8,9 has been completed and Tower 6 and 7 is at advance stage.
iv. They are pursuing Part Occupation Certificate at DTCP level.

5. On 24.01.2024, Authority observed as follows: -

a. Copy of order of NCLT be provided in which it has been stated that only 14 acres of land is under liquidation and not the 7 acres land as asserted by the counsel.
b. Present status of application for renewal filed before the DTCP, Haryana along with the copy of said application be provided.
c. A comprehensive list of unsold inventories and units for which conveyance deed has been executed and units which have been sold and part payments made, be provided tower wise.
d. A detailed reply be also submitted on the objections filed by the allottees and an affidavit be submitted as to whether any unit has been sold in the project after the ban on sale of unsold inventory imposed by the Authority.

6. On 10.04.2024, Adv. Rupali Verma appeared on behalf of respondents and stated that they are filing reply to the above observations, today itself and stated that complete reply could not be submitted since the daughter of the employee who had to prepare the said information was unwell. The Authority therefore directed the respondents to submit complete reply before the next date of hearing.

7. On 24.07.2024, Adv. Rupali Verma appeared on behalf of respondents stated that they, vide letter dated 23.07.2024, have submitted a representation made by the allottees and a complete reply as directed in the meeting held on 10.04.2024 in the registry of the Authority today itself. Authority directed the office to examine the same and put up on the next date of hearing.

8. Vide reply dated 24.07.2024 the following has been submitted:

i. Copy of order of NCLT stating that only 14 acres land is under liquidation and not the 7 acres;

ii. Copy of application for renewal filed before the DTCP; renewal is still pending,

iii. List of unsold inventories (28) and units on which conveyance deed has been executed and unit which have been sold and part payment made,

iv. The promoter has filed an affidavit stating that "*neither any new sale out of the unsolved inventory nor any third party rights has been created in said project after the ban on the sale of unsold inventory as imposed by this Hon'ble Authority after 14.05.2023.*"

9. Vide letter dated 10.09.2024, the Allotees of Parsvnath Royale, sector 20, Panchkula have submitted a copy of FIR no. 143 dated 29.08.024 against the Directors, Managers & Associates of Parsvnath Developers Ltd. Gist of the FIR is as follows:

(i) It is filed under section 120-B (criminal conspiracy), 406(criminal breach of trust) & 420(Cheating and dishonestly inducing delivery of property);

(ii) It is against Pradeep Jain, Sanjeev jain, Rajesh Jain, Bharat Bhushan, Vimal, Sanjeev Roy;

(iii) It is stated that the promoter has duped the residents. The promoter has offered the residents to occupy the flats without obtaining occupation certificate and without obtaining statutory clearances from the govt. authorities. The promoter assured at the time of sale of the flats that services are regular in the society & partial occupational certificate is ready however, the promoter has not provided the OC after 5 years of selling of the flats and receiving full payment from the residents. The HRERA registration and license of the project has expired.

9. Vide letter dated 06.11.2024, the promoter has submitted copy of rejection of application for grant of OC for tower-T1 to T5, T6, T8 and T9 situated in Group housing colony namely Parsvnath Royale.

10. The promoter has neither a valid license nor a valid RERA registration. The respondent promoter has not constructed EWS flats till date due to which OC will not be issued by the concerned department. There are 130 allottees residing at site without grant of Occupation Certificate. The Authority observes that the promoter has committed grave violations of RERA, Act 2016, therefore, Managing Director/director be personally present on the next date of hearing.

11. Adjourned to **05.03.2024**.

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