



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. (Suo-Motu) 1787 of 2022

HRERA, Panchkula

...COMPLAINANT

VERSUS

Advitya Residency LLP

....RESPONDENT

CORAM:

Parneet S Sachdev

Chairman

Nadim Akhtar

Member

Chander Shekhar

Member

Date of Hearing: 09.04.2025

Hearing: 10th

Present: - Adv. Tarun Ranga, counsel for the respondent

ORDER (Parneet S Sachdev-Chairman)

The present Suo-motu complaint was registered against the respondent promoter for not uploading quarterly progress reports of project namely; "Advitya Homes" registered vide Registration No. HRERA-PKL-FBD-223-2020 dated 16.12.2020 valid upto 31.03.2024.

2. A penalty from 01.05.2023 till 09.07.2024 amounting to ₹20,74,000/- for not uploading QPRs was imposed on the respondent. Counsel for the respondent stated that the promoter had paid excess fee at the time of registration of the project namely 'Advitya Heights' and the same may be adjusted towards penalty. In view of above, the Authority observed that if any excess fee has been paid by the

promoter at the time of registration, he may seek refund of the same by making an application. As regards the payment of penalty the same may be deposited before the next date of hearing.

3. However, vide letter dated 15.10.2024, the promoter informed that an excess payment of approx. Rs. 10 Lacs towards the total payable amount of Rs. 32,00,650 was made at the time of registration of project Advitya Heights (HRERA-PKL-FBD-602-2024) which should be adjusted against the liability in the ongoing case.

4. On 06.11.2024, Adv Tarun Ranga, requested to adjust an amount of Rs 10 Lacs from the above amount towards penalty and assured that remaining balance will be deposited before the next date of hearing. The Authority directed the counsel to submit exact computation so that it could be considered on the next date of hearing.

5. On 04.12.2024, Adv Tarun Ranga apprised that they have filed reply on 02.12.2024 and further requested for 15 days' time to deposit the balance amount left to be paid.

6. Vide reply dated 02.12.2024 the promoter has submitted as under: -

Amount paid at the time of registration of Advitya Heights (A)	Rs. 42,00,000/-
Registration fee for HRERA (B)	Rs. 32,00,658/-
Excess Fee paid (A-B)	Rs. 9,99,342/-
Penalty imposed in Suo Motu Complaint (A1)	Rs. 20,74,000/-
Balance penalty to be paid	Rs. 10,74,658/-

7. On the last date of hearing i.e., 29.01.2025, Adv. Tarun Ranga informed that they have paid excess fee in the case of extension of the present project which is pending before the Authority and requested that excess amount paid at the time of extension may be adjusted towards the balance penalty left to be paid. Authority directs the respondent to submit written calculation sheet for the same so that request of the counsel could be considered.

8. No reply has been received from the promoter. However, the request of the counsel that excess amount paid at the time of extension may be adjusted towards the balance penalty left to be paid cannot be entertained as the office has apprised that in the agenda extension case of the promoter, the fee is already deficit by Rs. Rs. 3,16,508/-, so no question of adjusting the penalty arise. Therefore, the respondent has to pay the remaining penalty of Rs 10,74,658/-

Today, Adv. Tarun Ranga appearing on behalf of respondent apprised that they have preferred appeal against the orders of the Authority regarding imposing penalty and therefore the same has not been deposited by them.

9. The Authority is of the view that since the promoter has failed to deposit the remaining penalty till today amounting Rs 10,74,658/-, therefore the matter may be sent to the learned Adjudicating Officer (Execution) for recovering the said amount as per law.

10. The Authority also directs the office to send a copy of these orders to the promoter through mail and registered post

11. **Disposed of.**



Chander Shekhar
Member



Nadim Akhtar
Member



Parneet S Sachdev
Chairman