



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. (Suo-Motu) 2826 of 2022

HRERA, Panchkula

...COMPLAINANT

VERSUS

Housing Board Haryana

....RESPONDENT

CORAM:

Parneet S Sachdev

Chairman

Nadim Akhtar

Member

Dr. Geeta Rathee Singh

Member

Date of Hearing: 12.03.2025

Hearing: 9th

Present: Adv. Rajesh Kaul on behalf of respondent.

ORDER (Parneet S Sachdev-Chairman)

Present Suo-motu complaint was registered against the respondent promoter for neither completing the project within the timelines declared w/s 4(2)(1)(c) at the time of seeking registration nor applying for extension of registered project namely "Flats For Defence Personnel, GH-5" a group housing colony measuring 1.38 acres in Sector 31, Panchkula registered vide Registration No. 30 of 2018

dated 07.08.2017 valid up to 31.12.2019. After granting benefit of covid period the registration stands expired on June 2021.

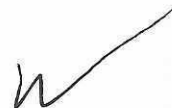
2. A show cause notice dated 22.11.2022 was issued to the respondent promoter directing to furnish status of the project on the date of expiry of the registration. The applicant/promoter has neither submitted application for extension nor submitted any reply. In view of the above, on 23.01.2023, Authority observed that as on date the registration stands expired, therefore the promoter is directed not to sell any unsold inventory or create any third party rights in this project till extension is granted.

3. On 06.03.2023, none appeared on behalf of respondent, taking cognizance of non-compliance of orders, the Authority issued a show cause notice as to why penal action may not be initiated under section 63 of The RERA Act, 2016 for failure to comply with the orders of the Authority.

4. On 05.07.2023, neither anyone appeared on behalf of respondent nor any reply was filed. Therefore, Authority in exercise of its powers under Section 63 decided to impose a penalty of 5% of the total estimated cost of the project (as mentioned in REP-I Part C as 3849 Lakhs) amounting to **Rs 192.45 lakhs**, and directed the promoter to deposit the same in the registry of Authority before next date of hearing.

5. On 04.12.2023, neither anyone appeared on behalf of respondent nor any reply was filed. The Authority directed the promoter to show cause as to why registration be not revoked under Section 7 of the RERA Act, 2016 for defaulting in getting the project renewed/extended as per the provisions of the Act and the rules/regulations made thereunder. The penalty of 5% of the total estimated cost of the project amounting to Rs 192.45 lakhs should also be deposited in the registry of Authority before the next date of hearing.

6. The respondent vide reply dated 25.01.2024 has informed that the internal civil and electrical works along with installation of lifts were completed on 31.12.2020 and Occupation Certificate from the competent Authority has been received on 18.11.2021.
7. On 31.01.2024, Authority was of the view that since the registration had already lapsed in June 2021 and Occupation certificate has been received on 18.11.2021, therefore the respondent should file an application for extension of registration for the gap period. Further, the respondent was directed to submit a reply to the show cause notice for penalty before the next date of hearing.
8. Thereafter, vide reply dated 19.04.2024, the respondent has informed that after the completion of project, the concerned branch remained occupied in further dealing with project, i.e., allotment and other related formalities and due to this communication gap arose and the respondent therefore could not apprise this Hon'ble Authority about the completion of the project. The respondent was also not aware of this Suo-Motu Complaint as the e-mail address provided during the registration expired long ago and now new email is in use. As soon as the respondent received the last orders of Hon'ble Authority, dated 15.01.2024, the highest regard was given for the compliance of the orders as evident from letters under reference. That after completion of project related development works, i.e., sewer/storm lines, installation of lift, firefighting system etc. the flats were allotted and the possession certificates have already been issued to the allottees w.e.f. Jan 2022 and the allottees are residing in their allotted flats since then and there is no inconvenience of any kind. Therefore, the respondent requested to dismiss the Suo-moto complaint No. RERA-Panchkula-2826-2022 and the penalty imposed may be withdrawn in the interest of justice.
9. The Authority on 24.04.2024 was of the view that since penalty of Rs 192.45 Lakhs has already been imposed by the Authority vide its order dated 04.12.2023



and the reply dated 19.04.2024 filed by the respondent is not satisfactory, therefore the Authority directs the District Attorney or the person heading the legal cell of the Housing Board Haryana to come present before the Authority on the next date of hearing.

10. On 28.08.2024, Deputy DA of the respondent had come present before the Authority and informed that they are filing reply in the registry requesting the Authority to waive off the penalty imposed however they failed to quote any specific provision of the Act/Rules under which such penalty could be waived of by the Authority. Therefore, the said penalty be deposited in the registry of the Authority before the next date of hearing. Adv. Rajesh Kaul sought time to file appeal before the Tribunal.

11. On the last date of hearing, i.e. 04.12.2024, Sh. Lalit executive Engineer of Housing Board, Haryana informed the Authority that they have filed an appeal before the Hon'ble Appellate Tribunal. The Authority directed the respondent to place on record the orders in the said appeal. Since the decision of the Authority has not been stayed by the Hon'ble Appellate Tribunal, the penalty of Rs 192.45 Lakhs be deposited in the registry of the Authority before the next date of hearing.

10. Today, Rajesh Kaul appeared on behalf of the respondent and stated that no reply has been filed by the promoter in the Authority, however, apprised that the appeal was listed for hearing on 11.03.2025 and is now adjourned to May 2025.

11. The Authority vide letter dated 17.01.2025 has received copy of appeal no. 674 of 2024. Since Hon'ble Tribunal has not stayed the orders of the Authority and the promoter had failed to deposit the penalty of Rs. 192.45 lacs till date therefore the Authority decides that the matter may be sent to the learned Adjudicating Officer (Execution) for recovering the said amount.

12. In view of the above, file be transferred to the court of Ld. Adjudicating Officer (Execution) for taking further necessary action as per law.

13. Disposed of.


.....
DR. GEETA RATHEE SINGH
MEMBER


.....
NADIM AKHTAR
MEMBER


.....
PARNEET S SACHDEV
CHAIRMAN

