



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 2636 OF 2019

HRERA, Panchkula

....COMPLAINANT

VERSUS

BPTP Ltd.

....RESPONDENT

CORAM:

**Parneet S Sachdev
Nadim Akhtar
Chander Shekhar**

**Chairman
Member
Member**

Date of Hearing: 05.03.2025

Hearing: 26th

Present: Sh. Hemant Saini, counsel for the respondent via video conference

ORDER (Parneet S Sachdev - Chairman)

On perusal of record, it has been observed that an application for registration of the project namely; "Park Floor II EWS" 2017 for land measuring 3372.48 Sq. mtr. forming part of a larger Group Housing Colony measuring 50.768 acres in Sector-76, Faridabad came up for consideration of the Authority on 01.08.2017. Certain observations were conveyed on 24.08.2017, however, no compliance was made upto 15.02.2018. Thereafter, on 15.02.2018, the applicant/promoter was directed to submit the application in revised proforma 'REP-I Part-A to G'.

2. In compliance thereof, the promoter had submitted revised proforma on 26.06.2018 which was considered by the Authority on 02.07.2018. Again, on 05.09.2018, the Authority conveyed certain observations but no compliance was made till 05.10.2018. Thereafter, on 05.10.2018, the applicant/promoter was directed to apply online for registration of project and also a reminder for the same was issued on 01.04.2019 to promoter/applicant.
3. Since the promoter did not comply with the orders of the Authority, therefore, a show cause notice U/s 59 and 63 of the RERA Act, 2016 for non-submission of online application was issued on 24.10.2019 and the same was delivered on 26.10.2019.
4. On 06.12.2021, it was observed that since the respondent has failed to file online application and has chosen not to file reply to the show cause notice, penalty equivalent to 10% of estimated cost of the project was imposed. The estimated cost of the project as per the offline application submitted by respondent is Rs. 1148.17 lakhs, therefore the penalty worked out to Rs. 114.817 lakhs. It was observed that penalty so worked out will be finalized on the next date of hearing after giving the respondent an opportunity to make representation if they so desire.
5. In compliance of the orders, respondent on 14.01.2022 had filed his reply stating that a Suo- Motu complaint no. 72 of 2019 was registered on 09.01.2019 against the license no. 1042-1046 and 1048-1061 of 2006 regarding non-applicability of the registration of the project. However, the same has been disposed of on 10.09.2019 while exempting the whole area of the said license from registration. He further submitted that the aforesaid license belongs to the project with the name and style of Park Floor-I" and the above said project is EWS portion of the larger Group Housing Colony. Therefore, he requested that the project "Park Floor-II EWS" is not required to be registered.

6. Thereafter, on 17.01.2022 no one appeared on behalf of the respondents so the matter was adjourned to 17.10.2022 with direction to respondent/promoter to appear on next date of hearing to explain their stand. On 16.01.2023, 01.05.2023, 07.08.2023 and 07.02.2024, Sh. Hemant Saini appeared before the Authority and requested for adjournment to explain their stand.

7. When this matter was last heard on 07.02.2024, Authority observed that this matter is pending since 2019 and the respondent has not complied with the observations of the Authority till date despite service of show cause notice. A last opportunity is granted to the respondent to explain its stand failing which penalty imposed vide order dated 06.12.2021 will be confirmed on next date.

8. The respondent filed its reply on 01.07.2024 to the above show cause notice submitting as under:

i. This Authority vide order dated 10.09.2019 had granted exemption from registration and the matter was disposed of. Exemption was earlier granted by this Authority after consciously evaluating all the aspects on merits. However, if the Authority still feels that the project ought to be registered, respondent undertakes to do that.

ii. The Authority has been under erroneous impression that the respondent had not filed reply despite availing several opportunities which was actually done on 14.01.2022. The matter was repeatedly adjourned due to pandemic of COVID-19 and the Authority and counsels suffering from the consequences of the pandemic.

iii. Actual no. of hearings which have taken place till date are only 5-6 and no. of hearings depicted in the order sheet as 24, though correct numerically but do not depict the actual position on ground.

iv. The respondent is expecting the Occupation Certificate for EWS. However, if the Authority still feels that the project ought to be registered, respondent undertakes to do that. Request has been made to discharge the show cause notice.

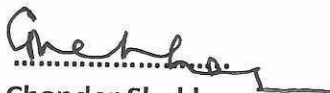
9. On the last date of hearing, i.e., 03.07.2024, Sh. Hemant Saini, submitted that the respondent is expecting Occupation Certificate for said project in few days. He stated that if the Authority still insists, respondent undertakes to get the project registered.

10. In view of above, it was observed that respondent is under an obligation to get the project registered till completion certificate is obtained. Accordingly, respondent was directed to get the project registered before the next date of hearing.

11. Today, learned counsel Sh. Hemant Saini informed that an application for registration of area measuring 0.14 acres has been submitted in the Authority on 03.03.2025 vide Temp ID 1640-2025. The office has confirmed that the said application has been received in the Authority for registration of an ongoing project namely "Park Floor II EWS" over land measuring 0.14 acres.

In view of above, the Authority decides to discharge the show cause notice dated 24.10.2019 and to dispose of the matter.

12. Disposed of.


Chander Shekhar
Member


Nadim Akhtar
Member


Parneet S Sachdev
Chairman