

BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL

Appeal No.631 of 2024

Date of Decision: March 24, 2025

Urban Land Management Pvt. Ltd., 22, DDA Flats, Panchsheel Park, Shivalik Road, Malviya Nagar, New Delhi

Appellant.

Versus

Haryana Real Estate Regulatory Authority, Mini Secretariat, 2nd & 3rd Floor, Sector 1, Panchkula

Respondent

Present: Mr. Neeraj Goel, Advocate for the appellant.
Respondent already *ex parte*.

CORAM:

Justice Rajan Gupta
Rakesh Manocha

Chairman
Member (Technical)

O R D E R:

RAJAN GUPTA, CHAIRMAN (ORAL):

Present appeal is directed against order dated 24.04.2024 passed by Executive Director, Haryana Real Estate Regulatory Authority, Panchkula, operative part whereof reads as under:

“6. On 13.10.2024, Authority observed that registration of project was valid upto 30.09.2022 after grant of two extensions. Hence, Authority decided that Managing Director/one of the Directors should be personally present on next date of hearing with resolution plan for completion of project. Adjourned to 24.04.2024.

7. Authority observes that direction was issued on 13.03.2024 to Managing Director/one of the Directors to be personally present today i.e. 24.04.2024 but

nobody is present. Hence, Authority decided to impose a cost of Rs.5,00,000/- (Rs. Five lakhs only) on the promoter. Further extension from 30.09.2024 has also become due. Authority again directs Managing Director/one of the Directors to be personally present on next date of hearing along with resolution plan for completion of project failing which penal proceeding against the promoter will be initiated.

8. Adjourned to 03.07.2024”

2. It appears that the appellant-Company is developing a real estate project in District Rewari in the name and style of “Amangani”. The project consists of 12 normal towers, one EWS tower and Community Sites. As per the appellant, licence for the project was originally granted by the office of DTCP on 11.06.2008 which was later extended and is valid as on today. RERA registration was also extended by the Authority from time to time. A perusal of the record shows that the appellant applied for another extension of registration before the Authority at Panchkula. During pendency of the same, it was directed that one of the Directors would remain present before it on 24.04.2024. A perusal of the order shows that on said date none except the counsel were present, thus, costs of Rs.5,00,000 were imposed.

3. Mr. Goel, learned counsel for the appellant, has argued that undue heavy cost was imposed on the appellant by the Executive Director. As per him, same is absolutely unsustainable. Besides, the Director was available on the same date personally through Video Conferencing. Thus, the impugned order needs to be set aside.

4. Notice was issued to the respondent-Authority. However, it failed to appear despite repeated notice(s) before it was proceeded *ex parte* vide order dated 26.11.2024. Its stand remained unknown.

5. After giving due consideration to the entire issue, we feel that cost of Rs.5,00,000/- imposed on the Director of the appellant-company is unjustified, particularly when counsel was available and he himself appeared through Video Conferencing. Today, he is physically present before this Bench. Certain queries have been put to him about the stage/status of the project. We find that licence granted to the appellant is valid and Occupation Certificate in respect of Towers No. 2 to 11 has also been granted. Only matter regarding extension of registration under the Real Estate (Regulation and Development) Act, 2016 is pending.

6. The appeal is allowed with the direction that the appellant would be exempted from paying cost of Rs.5,00,000/-. The Authority shall decide the case regarding extension of RERA registration as per law after affording opportunity of hearing to the concerned.

7. File be consigned to the record.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

Rakesh Manocha
Member (Technical)

March 24, 2025
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