



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 2138 of 2023

HRERA, Panchkula

...COMPLAINANT

VERSUS

Ansal Landmark (Karnal) Township Pvt. Ltd.

....RESPONDENT

CORAM:

**Parneet S Sachdev
Nadim Akhtar
Chander Shekhar**

**Chairman
Member
Member**

Date of Hearing: 07.05.2025

Hearing: 8th

Present: Adv. Vipul Joshi on behalf of the respondent.
Sh. Amit Malhotra for the Promoter.

ORDER [Parneet S Sachdev- Chairman]

The request of the respondent for continuation of registration for fourth year of a residential plotted colony being developed on land measuring 57.654 acres in sector 36, Karnal bearing registration no. RERA-PKL-134-2017 dated 28.08.2017 was placed before the Authority in its meeting held on 26.07.2023 vide item no. 220.10 whereby Authority decided that:

"i. The promoter has failed to complete the project even after grant of third extension, notice under Section -35 of RERA Act, 2016 be issued as to why project may not be handed over to Association of Allottees..."

2. Show cause notice dated 21.09.2023 was issued under Section 35 of RERA Act, 2016 as to why the said project may not be handed over to the Association of Allottees since the respondent has failed to complete the project even after grant of third extension.

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3. On 21.11.2023, the sale on any unsold inventory or creation of any third-party rights in respect of the project was banned till extension is granted. The Authority directed the respondent to submit an affidavit stating the unsold inventory in the said project and an undertaking regarding percentage of works completed at site.
4. On 21.02.2024, the Authority directed the promoter to file reply before the next date of hearing.
5. Vide reply dated 11.03.2024, a request to allow the Resident Welfare Association namely, Ansal Welfare Association (Regd.) to implead as a co-complainant was received stating that impleadment of the present welfare association is necessary to adjudicate the matter in dispute.
6. On 01.05.2024, Authority directed the representative of the RWA to provide a copy of their application of impleadment to the respondent promoter. Promoter respondent was directed to submit a resolution plan as to how they will complete the project by 30.06.2025 and also submit cogent reasons of their competency to complete the project in this stipulated time and show cause as to why the project should not be handed over to the Resident Welfare Association.
7. On 07.08.2024, Sh. Hitesh Sahni, representing RWA stated that copy of application of impleadment has been given to the Promoter on 01.05.2024. Promoter stated that a reply has been submitted in the registry today itself. During the course of hearing the Promoter also handed over a copy of the reply dated 07.08.2024 to the representative of RWA. After hearing both the Promoter and the representative of RWA, the Authority directs that the promoter should submit details of all the allottees of the project along with their names, email address and mobile number at least one week before the next date of hearing. Authority also directs the office to examine the reply submitted by the Promoter today and place it on the next date of hearing.
8. Vide reply dated 06.08.2024 and 07.08.2024, Promoter has submitted Resolution plan and reply to the impleadment application submitted by Resident Welfare Association namely Ansal Welfare Association (Regd.) was placed before the Authority on 13.11.2024.
9. On 06.11.2024, Sh. Amit Malhotra and learned counsel Sh. Piyush Bansal stated that delay was due to the previous promoter who had kept the project pending. There is availability of funds to develop the project. Learned counsel of RWA submitted that all the

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plots have been sold and there is no unsold inventory except the commercial area. He questioned the generation of funds by the Promoter.

After consideration, Authority observes that after granting fourth extension upto 30.06.2024, 46% development works are still to be executed and therefore, it is not possible to execute the development works by 30.06.2025 as stated by the Respondent-Promoter. Hence, Authority decided to appoint Learned CTP as a Local Commissioner for inspection of the project site. The Promoter should also deposit ₹ Ten Crores in the designated RERA Account to show his credibility of infusing his own funds for the execution of development works before the next date of hearing. It is also directed that the Promoter should not collect maintenance charges from the allottees till the grant of completion certificate. Promoter is again directed to provide a list of allottees to the RWA and the Authority at least one week before the next date of hearing. Managing Director/one of the Directors be personally present on the next date of hearing.

10. On 08.01.2025, Sh. Hitesh Sahni has informed that list of allottees of the project has not been provided by the Promoter till date and Certificate submitted by the Promoter that ₹ 5 Crores which have been deposited in the designated RERA Account is not correct. Sh. Naresh Ghai stated that maximum work of project will be completed within a period of six months. The Authority observed that only ₹ 5 Crores has been deposited in the designated RERA Account as per Certificate submitted by the Promoter instead of ₹ 10 Crores. The Authority was interested to know when will the remaining amount of ₹ 5 Crores be deposited? The Promoter assured that the remaining amount will be deposited within next 2-3 months.

In view of above, the Authority decided as under:

- i. The Promoter should submit proof that ₹ 5 Crores has been deposited in designated RERA Account of the Project along with the relevant Bank Statements confirming deposit of the said amount.
- ii. The Promoter is directed to submit complete list of allottees to the RWA and the Authority otherwise penal proceedings under the RERA Act, 2016 shall be initiated against the Promoter.
- iii. It was clarified that ₹ 10 Crores were to be deposited in the designated RERA bank account of the Project. The Promoter should submit the remaining ₹ 5 crores in the designated RERA Account of the Project.



- iv. It was also clarified that Promoter can charge maintenance charges as per his actual expenses. The Promoter should not charge "non-construction charges" from the allottees.
- v. The Promoter should submit third party inspection report of the roads of the project.
- vi. Report of Learned CTP regarding physical status of the Project be put up on the next date of hearing.

It is also made clear that Promoter should submit its reply atleast one week before the next date of hearing.

11. Learned CTP has submitted the following after conducting site visit of the project on 06.01.2025:

Total plots – 453 out of which 40 stand constructed.
 License No. 264 of 2007 dated 03.12.2007 has been renewed upto 02.12.2024 and further renewal applied on 11.11.2024.
 Electrical Plans have not been approved till date.
 Promoter has informed that, the project shall be completed by 30.06.2025.

Services	Percentage of work executed at site by Promoter
a. Water Supply	95%
b. Sewerage	98%
c. Storm Water	97%
d. Electrical (Street Light Work)	95%
e. Electrical (Normal)	40%
f. Roads	95%
g. Green Areas	80%
h. STP	70%
i. Rain Water Harvesting	9 constructed

Learned CTP is of the view that it would take an year for execution of development works as Electrical Plans have not yet been approved and certain works are still to be executed at site.

12. Vide letter 29.01.2025 in the agenda matter of Continuation of Registration of the Project, it was stated that the Promoter is having RERA Bank Account in Axis Bank and the bank has stopped /withheld all relevant RERA payments as per mail dated 24.01.2025. The Promoter has informed that ₹ 5 Cr has already been deposited in December 2024 and rest of ₹ 5 Cr was supposed to be deposited. Due to this step of banker, payment for construction/infrastructure development has started hampering, which is directly affecting the construction activity. In addition to this, the promoter is unable to proceed with

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compliance of the direction of the Authority to deposit the remaining ₹ 5 Cr. The Promoter has also provided list of allottees of the Project and informed that the list has also been given to the RWA.

13. On the last date of hearing i.e. 19.02.2025, learned counsel Sh. Vipul Joshi had informed that Bank statements of RERA account confirming deposit of ₹ 5 Crores has been submitted in the Authority on 18.02.2025 in Agenda Matter regarding Continuation of Registration of the Project. Sh. Amit Malhotra informed that the remaining ₹ 5 Crores has also been deposited in some other Account not in RERA Account due to seizure/freezing of the same. Counsel for RWA informed that copy of Bank Statements of RERA Account confirming deposit of ₹ 5 Cr has not been provided by the Promoter.

During the course of hearing, Learned Counsel for the Promoter requested to modify orders of the Authority dated 06.11.2024 and 08.01.2025. Learned Counsel stated that on 06.11.2024, the Authority decided that no maintenance charges are to be collected by the Promoter till grant of Completion Certificate which is also stated in the orders of the Authority dated 06.11.2024. Learned counsel informed that on 06.11.2024, the Authority did not find any fault with collection of maintenance charges. Infact, RWA objected to collection of maintenance charges, the said objection was rejected by the Authority. On 08.01.2025, it was decided that Promoter can charge maintenance charges as per actual expenses and should not charge "non-construction charges" from allottees. Learned Counsel requested to clarify whether there is a ban on continued collection of maintenance charges or not?

Counsel for RWA Sh. Hitesh Sahni also raised objection against the orders of the Authority dated 08.01.2025 wherein Promoter has been allowed to collect maintenance charges as per actual expenses and ban was imposed on collection of "non-construction charges" from allottees and sought clarification regarding the same.


14. In view of above, the Authority observes that the relief whether maintenance charges are to be collected or not from the allottees is a matter to be governed by the terms and conditions of BBA executed by the Promoter with allottees and can only be dealt in the Complaint Jurisdiction of the Authority. Similarly, relief regarding charging of non-construction charges from the allottees of the Project can only be decided by the Authority in the complaint jurisdiction of the Authority.

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The Authority also observed that the Promoter should deposit the remaining ₹ 5 Crores in the RERA Account of the Project and submit bank statements of the RERA Account confirming the deposit of ₹ 10 Crores. The Promoter is again directed to submit third party inspection report relating to the construction of roads in the project.

15. The agenda was also listed before the Authority today in which it was observed that the promoter has still not submitted Late fee of ₹ 5,14,486/- as per resolution dated 07.08.2024 for fifth extension and renewal of License No. 264 of 2009 dated 03.12.2007 is only valid upto 02.12.2024. The Authority observes that since the Licence of the above said project has expired in Dec. 2024 and is still not renewed, therefore the application U/S 7(3) be returned which should be filed after the renewal of licence from DTCP. Till then the Bank accounts of the Promoter shall remain freezed.

16. Disposed of.


Chander Shekhar
Member


Nadim Akhtar
Member


Parneet S Sachdev
Chairman