



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO.(Suo-Motu) 2006 of 2022

HRERA, Panchkula

...COMPLAINANT

VERSUS

Edgepoint Infra Developers LLP

....RESPONDENT

CORAM: Parneet S Sachdev
Nadim Akhtar
Dr. Geeta Rathee Singh
Chander Shekhar

Chairman
Member
Member
Member

Date of Hearing: 09.07.2025

Hearing: 11th

Present: Adv. Pavan Malik on behalf of respondent.

ORDER (PARNEET S SACHDEV - CHAIRMAN)

This Suo-motu complaint was registered against the respondent for not uploading quarterly progress reports of project registered vide Registration No. 339 of 2017 dated 27.10.2017 valid upto 31.08.2021.

2. The matter was heard on 04.09.2024 wherein the Managing Director/one of the Directors of the respondent was directed to appear personally on the next date of hearing since the QPRs of the project were not filed by the respondent. Penalty

of ₹25,000/- per day was imposed till quarterly progress reports are uploaded online. The matter was adjourned to 22.01.2025.

3. On 22.01.2025, Adv. Pavan Malik stated that they have filed replies dated 16.12.2022 and 12.07.2024 informing that they are not developing the affordable group housing colony and migrating the said license in DDJAY plotted colony. However, on perusal it was seen that the said replies were filed by the respondent in the other complaint no. 2807 of 2022 registered against the same project and not in this complaint. In view of the above, he requested that penalty may not be imposed. Acceding to his request, the Authority observed that further penalty shall not be imposed and the cumulative penalty till today amounting to ₹76,89,000/- should be deposited in the registry before the next date of hearing. Further, since Managing Director/Partner of the respondent LLP had not appeared as directed by the Authority, therefore a cost of ₹1 lac was imposed on the respondent for non-appearance of the partner.

4. Vide letter dated 22.01.2025, the respondent submitted authority letter vide which Sh. Sandeep Garg was authorised to appear in this complaint. He also annexed a copy of reply dated 12.07.2024 through which they had informed that a request to migrate the license from Affordable Group Housing Colony to Affordable Plotted Colony under Deen Dayal Jan Awas Yojna (DDJAY) has been made to DTCP vide letter dated 12/10/2021.

Further they are planning to develop Affordable Plotted Colony under Deen Dayal Jan Awas Yojna (DDJAY) after Migration of the said license and in continuation of this, they have received Letter of Intent dated 21/10/2022 from DTCP, Haryana. They further informed that they want to surrender the above mentioned HRERA Registration No 339 of 2017 and will apply for New Registration after receipt of License for Affordable Plotted Colony under Deen Dayal Jan Awas Yojna on above said project land from DTCP, Haryana.

5. The Authority on 02.04.2025 had directed the respondent to deposit the total Penalty of ₹76,89,000/- and cost of ₹1 lac in the registry of the Authority failing which the matter will be transferred to Execution Branch for recovery of the said amount as per law. Further, a copy of letter of Intent dated 21.10.2022 and latest status of the migration of License in DTCP, Haryana be also submitted. The promoter is also required to submit by way of an affidavit that no third-party rights have been created in the project already registered by the Authority. The matter was then adjourned to 09.07.2025.

6. Today, Adv. Pavan Malik appearing on behalf of respondent informed that they have submitted application dated 09.07.2025 recalling all show cause notices along with all orders passed in ignorance of factual position as to surrender of license to DGTCP and consequential non-requirement of extension of registration and non-existence of any interest of any allottee. The promoter has stated that: -

- a. On 28.01.2017, DTCP Haryana issued Licence no. 3 of 2017 dated 28.01.2017 valid upto 27.01.2022 to the landowners under collaboration with promoter for affordable group housing project.
- b. On 27.10.2017, RERA registration no.339 of 2017 for affordable group housing valid upto 31.08.2021 was issued with condition of submission of parking details within one month [as required U/R 3(1)(c)].
- c. Within a short span of the RERA registration, the developers decided to drop the project and accordingly applied to DTCP for migration of the licence from affordable housing to Deen Dayal Jan Awas Yojna. LOI for the same was issued on 08.03.2019 and publication for inviting objections was issued on 20.03.2019..
- d. On 20.10.2022, much after the validity of RERA registration and even after LOI for migration, RERA issued show cause notice which was duly replied

vide reply dated 13.12.22 to notice no. HRERA-PKL/CTP/2022/971 dated 20.10.22 received by RERA on 16.12.22 vide Dak Id 21131.

- e. That on 22.3.23, after all compliances, Licence no. 59 of 2023 for DDJAY was issued to the developer company
- f. That on 12.07.2024, another representation was made to RERA referring to and in terms of letter dated 13.12.22. That as of now, there are no claims of any allottee or any individual in the licence no.3 pertaining to affordable group housing. No draw was conducted. No allotment was made. The monies received from the applicants were refunded with interest.
- g. That Layout plan stands approved. Demarcation has been applied after which Zoning plan will be submitted and upon approval RERA registration can be applied.
- h. In the light of the above facts, it is clear that no rights of any allottee is pending. Additionally, the aforesaid licence no.3 was got migrated without creating any third party rights and thus the RERA registration was ineffective and could not be got extended and thus the show cause notices alongwith all subsequent orders need to be recalled, interalia on following scores:
 - A) That the scheme of the Act, as is evident from the Preamble of the Act and provisions thereof, there was no such project or the allottees as on the date of issuance of the show cause notice whose interest was needed to be protected.
 - B) The promoter was not qualified for extension as precondition of valid licence no more existed nor were there existing claims of any allottees or other persons. The same had already been got verified by DCP as a condition precedent to LOI as is evident from the publications;
 - C) RERA registration expired as is evident from the facts stated above.





D) Reply dated 13.12.2022 to notice no. HRERA-PKL/CTP/2022/971 dated 20.10.2022 received by RERA on 16.12.22 vide Dak Id 21131 amounts to conclusive progress report leaving no scope for any further quarterly progress report. It has not been considered at all;

E) The publication of notice after issuance of LOI dated 8.3.2019 for migration is notice to all which may be considered as information to RERA;

F) The information as to surrender of Licence was mandatory to be displayed and also so displayed on the website of department of Town and Country Planning and even this can be considered as information to RERA. It is prayed for passing appropriate orders for withdrawal of all show cause notices along with all orders passed in ignorance of factual position as to Surrender of licence to DGTCP and consequential non-requirement of extension of registration and non-existence of any interest of any allottee.

7. After consideration, the Authority is of the view that compliances have to be made by the promoter from the date, the registration to a particular project is granted. In the present case, Registration was granted to the promoter in the year 2017 and they have been granted migration of license no. 59 of 2023 in 2023. Accordingly, the promoter has failed in its obligation by not uploading quarterly progress reports, thus, violating the provisions of Section-11 and Rule-14(vii)(d) of the Haryana Real Estate (Regulation & Development) Act 2016 and Rules, 2017. Furthermore, as also reiterated in the order dated 22.01.2025, the said reply dated 16.12.2022 vide Dak Id 21131 was filed by the promoter in other show cause notice seeking extension of the project and not in the present complaint. Therefore, the respondent is liable to pay the total Penalty of ₹76,89,000/- and cost of ₹1 lac imposed by the Authority in its previous orders. Since the respondent has not yet paid the said penalty therefore the Authority in exercise of its power u/s 40 of the RERA Act, 2016 decides that the said penalty be recovered from the promoter as

arrears of land revenue. **Disposed of.** Further process of recovery of the amount as per law and issuing recovery certificate be initiated by the office.

			
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Chander Shekhar	Dr. Geeta Rathee Singh	Nadim Akhtar	Parneet S Sachdev
Member	Member	Member	Chairman

