



# HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

**COMPLAINT NO. (Suo-Motu) 2807 of 2022**

HRERA, Panchkula

VERSUS

...COMPLAINANT

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:** 9<sup>th</sup>

**Present: -** Adv. Pavan Malik 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 u/s 4(2)(1)(c) of Act of 2016 at the time of seeking registration nor applying for extension of registered project namely; "Ninex Residency" an affordable group housing colony measuring 5.50 acres situated in Village Gaunchhi, Sector 23, Faridabad

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and registered vide Registration No. 339 of 2017 dated 27.10.2017 which was valid upto 31.08.2021. After granting benefit of covid period the registration stands expired on 31.05.2022.

2. The matter was taken up on 12.06.2024 and a penalty of ₹5 lac was imposed on respondent under Section 61 read with Section 63 of the RERA Act, 2016 for contravention of the provisions of the Act and not complying with the orders of the Authority.

3. The respondent vide reply dated 12.07.2024 submitted that they have dropped the plan to develop affordable housing project 'Ninex Residency' under license no. 03 of 2017. No applications are pending against the said license. They have already requested the DTCP, Haryana to migrate the above license from affordable group housing to affordable plotted colony under DDJAY vide letter dated 12.10.2021. It has been submitted that they wish to surrender the abovementioned registration and will apply for new registration after receipt of license for affordable plotted colony under DDJAY on the above said project land.

4. On 04.09.2024, the Authority observed that the registration of the project was valid upto 31.05.2022 and the respondent has applied for migration on 12.10.2021. So, before proceeding further in the matter, it is necessary to know about the status of application for migration of license. Accordingly, respondent

was directed to submit the same atleast fifteen days before the next date of hearing and the matter was adjourned to 22.01.2025.

5. On 22.01.2025, Adv. Pavan Malik appearing on behalf of respondent informed that they were not aware of this case and will file a reply in this regard. He further requested for a short accommodation.

6. Vide letter dated 22.01.2025, the respondent has submitted Authority letter authorising Sh. Sandeep Garg to appear in this complaint. He has also annexed a copy of reply dated 12.07.2024 through which they had informed the Authority 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.

7. On the last date of hearing i.e., 02.04.2025, since no one appeared on behalf of respondents, therefore Authority directed the respondents to deposit the total



Penalty of ₹5 lac in the registry of the Authority before next date of hearing 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 was also required to submit an affidavit that no third-party rights have been created in the project already registered by the Authority.

8. 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 detailed reply is as under: -

- a. That 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. That 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. That 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 of the objections was made in pioneer (English) and Veer Arjun & Pioneer (Hindi) on 20-03-2019 as required under condition no. 8 of the LOI for migration.
- d. That 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 allottees 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 for before DTP, Faridabad which is pending and after approval of demarcation plan, Zoning plan will be submitted and upon approval thereof RERA registration can be applied for.
- h. That in 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) For 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 got verified by DTCP 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 respondent in year 2017 which was valid upto 31.08.2021 and the license no. 59 of 2023 has been migrated in the year 2023. Accordingly, the promoter has neither applied for further extension of registration of the project as required under Section-6 of Real Estate (Regulation & Development) Act, 2016 nor submitted any information/documents showing that project stands completed; or part completion/completion certificate has been issued by the competent Authority within time period of registration. Therefore, the respondent is liable to pay the Penalty of ₹5 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 in the manner prescribed an 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.

  
Chander Shekhar  
Member

  
Dr. Geeta Rathee Singh  
Member

  
Nadim Akhtar  
Member

  
Parneet S Sachdev  
Chairman

