



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. (Suo-Motu) 1386 of 2022

HRERA, Panchkula

...COMPLAINANT

VERSUS

Pioneer Town Planners Pvt. Ltd.

....RESPONDENT

CORAM: **Parneet S Sachdev**
 Nadim Akhtar
 Chander Shekhar

Chairman
Member
Member

Date of Hearing: 07.05.2025

Hearing: 10th

Present: - Adv Vivek Sethi on behalf of respondent.

ORDER (PARNEET S SACHDEV - CHAIRMAN)

Present suo-motu complaint was registered against the respondent promoter namely; 'Pioneer Town Planners Pvt. Ltd.' for not submitting deficit fee amounting to ₹3,98,026/- and late fee of ₹24,27,026/- required for registration of project namely; "Faridabad Industrial Town" an Industrial Colony measuring 50.131 acres in Sector-57, Faridabad.

2. The Authority vide its orders dated 06.12.2021 had decided to register the said project subject to condition of payment of aforesaid deficit fee and late fee. However, the respondent/promoter did not comply with the orders of Authority and therefore a show cause notice dated 06.06.2022 was issued to the respondent promoter in this regard.

3. When the matter was heard on 26.07.2023, Authority decided to reject the application of registration filed by the respondent and decided to impose a penalty of ₹10,000/- per day under section 63 of the RERA Act, 2016, till the time deficit fee and late fee are not deposited. The Authority also directed the respondent not to sell any unsold inventory or create any third party rights in the project till the project is registered after duly submitting the deficit fee amounting to ₹3,98,026/-, late fee of ₹24,27,026/- and penalty of ₹10,000/- per day (from 26.07.2023) till entire fee and penalty is deposited by the respondent.
4. The Authority on 06.03.2024 also directed the respondent to show cause as to why penalty under Section 59 of the Act be not imposed for violation of Section 3 of the Act.
5. The respondent had submitted reply dated 03.06.2024 which was considered by the Authority on 24.07.2024 wherein the Authority had observed that any ongoing project for which application for registration has been made on or after 28.10.2018, will be liable for imposition of late fees as per resolution dated 26.08.2019. Further, penalty of ₹10,000/- per day has been imposed under Section 63 of the Act for violation of the orders of the Authority. Authority does not have power to review its own orders. Accordingly, respondent is liable to pay said penalty till late fee is deposited by them. Also, respondent has sold the project without getting it registered for which the Authority on 06.03.2024 directed the respondent to show cause as to why penalty under Section 59 of the Act be not imposed for violation of Section 3 of the Act. However, no reply to



said show cause has been filed by the respondent till date. The respondent on 24.07.2024 was granted last opportunity to comply with the said orders of the Authority and apply for registration of the project.

6. On the last date of hearing i.e., 19.02.2025, Ms. Prakriti proxy counsel appearing on behalf of Sh. Vivek Sethi arguing counsel sought some more time to file reply informing that the mother of the arguing counsel is hospitalised. Accepting the request of the counsel, the Authority grants one last opportunity to comply with the observations failing which additional penalty under Section 59 of the Act for violation of Section 3 of the Act shall be imposed.

7. On 05.05.2025, copy of Appeal No. 123/2025 filed by the respondent in Hon'ble Appellate Tribunal has been received from Assistant Registrar, HREAT, Chandigarh. Today, Adv. Vivek Sethi appearing on behalf of respondent produced the order dated 06.05.2025 in CM No. 262, 263 & 307 of 2025 in Appeal No. 123 of 2025 passed by Hon'ble Appellate Tribunal in which stay has been granted by the Tribunal. The orders are reproduced as under:-

"On the last date of hearing, the following order was passed in this case:

"Issue notice for 06.05.2025 subject to objections as regards compliance of provisions of Section 43(5) of the RERA Act.

Process dasti as well."


Today, learned counsel for the appellant submits that the entire pre-deposit as required under the law has been made by the appellant. Report of the registry is to the same effect. Learned counsel for the appellant has furnished proof of service of notice on the respondent-HRERA, Panchkula. Same is taken on record. Respondent-HRERA, Panchkula remains unrepresented despite service. Proceeded ex-parte. However, proceedings before the

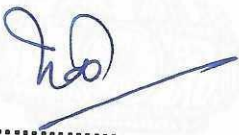


Authority at Panchkula shall remain stayed till the next date of hearing. List on 08.07.2025."

7. In view of order dated 06.05.2025 passed by Hon'ble Tribunal, Authority decides to await the outcome of said appeal. The Authority observes that the deficit fee amounting to ₹ 3,98,026/-, late fee of ₹ 24,27,026/- and penalty of ₹ 65,20,000/- computed @ ₹10,000/- per day (from 26.07.2023 till today) has not been deposited by the Promoter till date. In view of above, Authority decided to dispose of the matter at present and directs the promoter to inform the Authority after a final decision has been taken by the Hon'ble Appellate Tribunal in the said appeal. Till then, ban on sale of inventory as already imposed by the Authority shall continue.

8. **Disposed of.**


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Chander Shekhar
Member


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Nadim Akhtar
Member


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Parneet S Sachdev
Chairman