HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 1961 of 2022

HRERA, Panchkula ...COMPLAINANT

VERSUS

Ansal Properties & Infrastructure Ltd ....RESPONDENT

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

Date of Hearing: 28.05.2025
Hearing: 11th
Present: Adv. Sheena Dahiya on behalf of Resolution Professional.

ORDER (Parneet S Sachdev-Chairman)

Present suo-motu complaint was registered against the respondent promoter for not uploading quarterly progress reports of real estate project namely Green Escape (T-18, 19, 26, 27, 28, 31, 32, 36, 37, 38, 39 and Partial EWS-224 Units) registered vide Registration No. HRERA-PKL-SNP-173-2019 dated 30.10.2019 valid upto 30.09.2022.

2. When this matter was heard on 10.01.2024, penalty of ₹1000/- per day imposed on 27.02.2023 was enhanced to ₹10,000/- per day from 10.01.2024 till quarterly progress reports are uploaded online.
3. The matter was considered by the Authority on 06.03.2024, wherein penalty of ₹10,000/- per day imposed on 10.01.2024 was enhanced to ₹25,000/- per day
4. The Authority on 03.07.2024 the Managing Director/one of the Director of the respondent promoter was directed to appear personally on the next date of hearing and explain their stand.
5. On 11.12.2024, the promoter informed that the quarterly progress reports have been filed on the web portal of the Authority on 28.08.2024. Therefore, the cumulative penalty till 28.08.2024 amounting to ₹52,52,000/- was directed to be deposited in the registry of the Authority. The Authority further imposed a cost of Rs. 1 Lac for non-appearance of the Directors, which should also be deposited before the next date of hearing.
6. On the last date of hearing, i.e., 12.03.2025, neither anyone appeared on behalf of the respondent nor any reply was filed. Taking note of the same, Authority granted one last opportunity to the respondent to deposit penalties alongwith the cost imposed otherwise the case will be transferred to the Execution Branch of the Authority for recovery of the said amount.
7. Today, Adv. Sheena Dahiya appeared on behalf of Resolution professional and submitted the reply by mentioning: -
    a. That Adv. Kanwal Goyal has been appointed as counsel for the Resolution Professional (RP) for Ansal Properties and Infrastructure Limited ("Corporate Debtor") in accordance with the order dated 25.02.2025 passed by the Hon'ble National Company Law Tribunal, New Delhi whereby the Corporate Insolvency Resolution Process (CIRP) was initiated under Section 7 of the Insolvency and Bankruptcy Code, 2016 ("IBC").

b. The appointed Interim Resolution Professional (IRP) took charge of the affairs of the corporate debtor on 27.02.2025 and has now assumed responsibilities as an RP w.e.f 28.04.2025.

c. That the present proceedings before this Authority involve the imposition of cumulative penalties of ₹52,52,000/- and a cost of ₹1,00,000/- for non-appearance of the Director of the Corporate Debtor. They submitted that as the moratorium under Section 14 of the Insolvency and Bankruptcy Code, 2016 had already commenced from 25.02.2025 and accordingly no coercive or penal directions ought to have been passed against the Corporate Debtor.

d. The imposition of cost after the declaration of moratorium is contrary to the express statutory bar under Section 14(1)(a), which prohibits the continuation of any proceedings or enforcement of any order against the Corporate Debtor before any authority. The RP, who assumed charge on 27.02.2025, was not responsible for any alleged default or non-appearance, and was already in the process of collating information and assessing pending proceedings amidst minimal cooperation from the suspended management.

e. Thereafter, the RP has been attempting to take stock of ongoing litigations and regulatory issues. However, cooperation from the erstwhile management and staff has been minimal, thereby delaying a consolidated response to various notices and pending proceedings.

f. That in terms of the order of NCLT dated 25.02.2025 a moratorium under Section 14 of the IBC was imposed with immediate effect Specifically, Section 14(1)(a) bars the continuation of "any proceedings" against the corporate debtor before "any authority".

g. Further by virtue of section 238 of the code, the provisions of IBC 2016, have an overriding effect on the other laws for the time being in force.

h. That in view of the admitted insolvency and imposition of moratorium, this Hon'ble Authority is statutorily barred under Section 14(1)(a) from continuing proceedings or enforcing directions against the Corporate Debtor.

i. That the repeated directions to apply for registration extension under RERA, as well as the imposition of monetary penalties, amount to continuation of regulatory proceedings and enforcement of compliance obligations, are actions which fall squarely within the bar of Section 14.

j. The respondent has referred to various Supreme court Judgments and prayed that the proceedings be kept in abeyance till the completion of CIRP Process and recall the order imposing penalty and cost on the respondent.

8. After considering the reply and averments made by the counsel, the Authority is of the view that the Authority is not a financial creditor as also observed by Hon'ble Supreme Court in its various judgments and the imposition of penalty and cost was a direction given under the RERA statute and not a claim. It is the statutory obligation of the RP to comply with RERA Act and rules and regulations framed thereunder. The Authority therefore directs the counsel to deposit penalty and said cost before the next date of hearing or face statutory consequences as per law.

9. Adjourned to **03.09.2025**.

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