HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. (Suo-Motu) 3015 of 2022

HRERA, Panchkula ...COMPLAINANT

VERSUS

The Police Employees Co-Operative House Building Society Ltd. Sonipat ...RESPONDENT

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

Date of Hearing: 30.07.2025

Hearing: 9th

Present: - Adv. Akshat Mittal alongwith Sh. Jyoti Sidana on behalf of respondent.

ORDER (PARNEET S SACHDEV - CHAIRMAN)

The matter was taken up by the Authority on 06.11.2024, wherein the respondent had informed that Completion Certificate was granted by DTCP Haryana on 16.08.2022. Sh. Jyoti Sidana requested to waive off the penalty, which was rejected by the Authority. The Authority therefore directs the respondent to deposit the penalty of Rs 5 Lacs in the registry of Authority alongwith the application for extension for the gap period, i.e., from lapse of registration till the date of grant of completion certificate by DTCP, Haryana. The matter was adjourned to 08.01.2025.

2. On 08.01.2025, Adv. Akshat Mittal appearing on behalf of the respondent apprised that they are filing memo of appearance in the registry of Authority and requested for a short accommodation to file detailed reply. Acceding to his request, Authority granted an opportunity to the respondent to submit reply alongwith the penalty imposed by the Authority. The matter was then adjourned to 30.07.2025 due to no work day observed in all Courts of Punjab, Haryana and Chandigarh due to sudden demise of Member, Bar Council of Punjab and Haryana.

3. Today, counsel appearing on behalf of respondent informed that they have filed reply to the observations made by the Authority, on 28.07.2025, the details of which are as under: -

i. That the project in question is being developed by Police Personnel for the welfare of its own community, without there being any profit motive. The promoter is a co-operative society registered under The Haryana Co-operative Societies Act, 1984 vide registration no. 2083 dated 19.12.2018 having PAN no. AAHAT5360L.

ii. That the project in question already stands completed way back since 2021, and the application dated 06.01.2022 was duly filed by the respondent promoter for grant of the completion certificate thereto. The same was considered, and the Chief Engineer, HSVP, Panchkula vide his memo dated 28.03.2022 informed to the DTCP Haryana that the services in the project in question have been checked, and reported that the same are operational/functional. Senior Town Planner, Rohtak vide his memo dated 29.03.2022 confirmed about laying of the colony as per approved layout plans.

iii. That the DTCP Haryana, was pleased to issue the completion certificate dated 16.08.2022.

iv. That the Hon'ble Bombay High Court in the judgement passed in Neelkamal Realtors Suburban Pvt. Ltd. & Ors. versus Union of India and others (W.P. 2737 of 2017), has observed as follows: - "unless a professional promoter making genuine efforts is not protected, then very purpose of development of real estate Sector would be defeated"

v. That the respondent, despite not even being a professional builder, has still made genuine efforts, and has completed the project in toto. The genuine promoters such as the respondent, ought to be protected from the technicalities of law instead of imposing extreme penalties for lack of technical or procedural knowledge. It is submitted that the non-uploading of QPRs was solely due to the reason that the promoter was never aware of the fact that the same has to be done, the manner thereto, and moreover as the completion certificate had already been duly obtained. As such, the respondent may be protected, failing which, the very purpose of the Act would be defeated.

vi. That moreover, the notice of the matter at hand was never delivered to the respondent since the earlier Authorised Representative Sh. Narender Kumar who was to take care of the matter at hand and of the technicalities etc., was himself suffering from unfortunate medical exigencies in April to July 2023, and in April 2024. He had also met with an accident and was also in an unfortunate state of Coma for some time. The medical record is being collectively annexed.

vii. That now, police officer Sh. Pankaj Kharb, Secretary of the respondent co-operative society, has been authorised by the respondent to deal with the matter at hand. That as and when the promoter became aware of the pendency of the instant matter, efforts were made readily for apprising the Ld. Bench of the completion of the project.

viii. That vide the Order dated 16.01.2023, this Authority has itself observed that after granting the benefit of COVID period, the RERA registration stood extended up-till 14.03.2022 and was only expired thereafter. It is further humbly submitted that the extension of RERA registration, would only be required till the completion of the project. Further, as apparent from record, the project already stood complete, and since the completion certificate was applied for on 06.01.2022, that date may kindly be considered as the date of the completion for the purpose of the requirement of compliances of RERA. That even otherwise, even if the date of the grant of the Completion certificate is considered, the same has been obtained PRIOR TO the notice dated 21.11.2022 issued by this Authority to the respondent.

ix. That the plots in the said project belong to Police Officials and are allocated to the employees of the Police Department. The co-operative society was not aware about the uploading of Q.P.R.s. That the respondent is not taking any profit from the Project, and only takes maintenance charges for undertaking the maintenance on its end. The members are salaried employees/ retired officers from Police Department. That imposition of any penalty would amount to harassment to the Police personnel and would burn a hole in the pockets of all members from the hard-earned salaried money earned while serving the nation. That it is further humbly submitted that the quarterly compliances of RERA, would only be required till the completion of the project and the since the completion certificate was applied for on 06.01.2022, that date may kindly be considered as the date of completion for the purpose of the requirement of compliances of RERA. Even otherwise, even if the date of grant of Completion certificate is considered, the same has been obtained almost simultaneously to the notice dated 04.08.2022 issued by the Authority to the respondent.

x. That now, since the compliances so required by the Authority have already been made good, the respondent requested to dispose off the matter in question with a prayer that the non-uploading of the QPRs was never negligence, and the respondent is extremely apologetic for the same. As such, the Bench may kindly provide adequate relief to the respondent, and the penalties may kindly be set aside.

2. Today, police officials of the respondent society appeared along with Adv. Akshat Mittal, counsel for the Police Employees Co-operative House Building Society Ltdand during course of hearing certain new facts came to the notice of Authority for the first time. Authority was informed that the Sh. Narender Kumar, member of the society who was authorised to take care of the matter at hand and of the technicalities etc., was suffering from unfortunate medical exigencies and met with an accident and was also in an unfortunate state of Coma for some time and other office bearer of the Cooperative Society were unaware of the notice of the Authority, therefore neither the application for extension was submitted nor was the society represented by anybody till 15.05.2024. It was only subsequently the society got to know about the pending proceedings before the Authority. Once they were got aware, the society represented itself through its representative on 06.11.2024 and also submitted copy of completion certificate on 20.09.2024. In view of these peculiar circumstances, the police employees requested the Authority to show some leniency towards them and requested not to impose heavy penalty on them since they are themselves the allottees who have fulfilled their dream of housing through this project.

3. Considering the averments made by the counsel during the course of hearing and through reply dated 28.07.2025, Authority observes that objective of the RERA Act, 2016 is to ensure sale of plot, apartment or building in a transparent manner and to protect the interest of the consumers in a real estate sector. For this purpose

only, the project should be kept live on the website of the Authority and extension has to be sought till the grant of completion certificate. In the captioned case in hand, the allottees of the plots who are salaried lower rank police officials have collectively formed a cooperative society for the development of a colony/real estate project mentioned above. Though technically/legally, the allottees and the cooperative society are different entities, however in reality, it is the same set of people who are allottees and part/members of the cooperative society. Even though, due to medical exigency of the authorised representative, the extension was not applied however the completion certificate was granted by DTCP, Haryana on 16.08.2022.

4. If huge/heavy penalty is imposed upon the cooperative society, the burden of payment of the same shall ultimately pass on to allottees only. This Authority is conscious of the fact that the members of the cooperative society are not professional builders/ developer, nor are they developing the colony/project for profit earning therefore, imposing of any heavy penalty shall be more detrimental to their interest rather than ensuring any transparency. Further, as mentioned above and also admitted by the allottees/police employees their interest is in no way jeopardized. Moreover, completion certificate has already been granted by DTCP, Haryana on 16.08.2022. Hence, this Authority is of a considered view that imposition of penalty is only for protecting the interest of allottees, since that purpose has been served, a lenient view is taken in concluding this matter in hand.
5. Accordingly, Authority in this order concludes and finally decides that a penalty of ₹1 lac is imposed on the cooperative society instead of interim penalty of ₹5 lakhs as mentioned in the earlier interim orders. Authority reiterates that the peculiar facts of the matter were not before this Authority at the time of passing of earlier interim orders. Now, after filing of reply by the respondent, the Authority has been made aware of the peculiar facts and circumstances of the case

and this order has finally been passed considering the same. In view of the above, the respondent is directed to deposit the penalty of ₹1 lac before the next date of hearing.

This case shall not act as a precedent for other matters.

6. Adjourned to **08.10.2025.**

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