HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. (Suo-Motu) 2072 of 2023

HRERA, Panchkula ...COMPLAINANT

VERSUS

Omaxe World Street Private Limited ....RESPONDENT

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

Date of Hearing: 06.08.2025

Hearing: 9th

Present: Adv. Tarun Ranga, counsel for the respondent promoter.

ORDER (PARNEET S SACHDEV - CHAIRMAN)

Present suo-motu complaint was registered against the respondent promoter for changing the RERA bank account from the existing Yes Bank Account Number 1666300000115 to Kotak Mahindra Bank Account Number 3248471625 of a registered real estate project of a commercial colony on land measuring 4105.23

sq. mtrs situated in Village Bhatola Sector-79, Faridabad, Haryana registered vide Registration No. 76 of 2017 dated 21.08.2017 valid upto 31.12.2027.

2. A show cause notice dated 21.09.2023 was issued under Section-35 of the RERA Act, 2016 as to why penalty under Section-61 of the RERA Act, 2016 be not imposed for changing the RERA account and obtaining loan without the permission of the Authority. The respondent was also directed to submit detail of balance amount in old account of Yes Bank and the new account in Kotak Mahindra Bank duly supported by CA Certificate.

3. The matter was considered by the Authority on 08.05.2024 wherein it was observed that since the respondent has changed its bank account without the permission of the Authority, it has violated the provisions of the Act and hence is liable for penalty under Section 61 of the Act. Therefore, respondent was burdened with a penalty of ₹3,00,000/- to be paid before the next date of hearing.

4. On 13.11.2024, Sh. Kamal Dahiya, learned counsel for the respondent sought time to file detailed reply in the matter.

5. On 15.01.2025, neither any reply was filed by the respondent nor penalty deposited. The Authority decided to adjourned the matter to 26.03.2025 granting last opportunity to the respondent to deposit the above said penalty failing which RERA rate of interest shall be imposed.

6. On 26.03.2025, learned counsel Sh. Tarun Ranga, informed that he is appearing for the first time and has been instructed and authorised to appear and his memo of appearance has been filed in the registry of the Authority. Learned counsel requested to adjourn the matter to some other suitable date in the interest of justice. In view of above, Authority decided to adjourn the matter to 14.05.2025 and directed the Promoter to submit its reply at least one week before the next date of hearing. The Authority also directed the respondent to deposit the said penalty along with interest at the rate of SBI's highest marginal cost of lending rate (MCLR) + 2% as per Rule 15 of the RERA Rules, 2017 before the next date of hearing.

7. Vide reply dated 12.05.2025 filed in the Agenda Matter which is also listed for hearing today, the promoter has submitted that the change of bank accounts was neither intentional nor deliberate as the same was done each time to facilitate the interest of allottees and for the purpose of their convenience. The details of amount credited and amount withdrawn during quarters can be verified from the QPRs filed time to time and the promoter has always complied with the provisions of Section-4(2)(l)(d) of the RERA, Act,2016. The Promoter has requested to waive the said penalty and dispose of the matter.

8. In view of the above, the Authority on 14.05.2025 observed that the reply filed by the Promoter is not satisfactory. The Authority grants one last opportunity to the

Promoter to submit a detailed reply. The Authority also directs the respondent to deposit the said penalty of ₹ 3 Lacs along with interest at the rate of SBI's highest marginal cost of lending rate (MCLR) + 2% as per Rule 15 of the RERA Rules, 2017 before the next date of hearing.

9. Today, Ld. Counsel informed that the promoter has submitted CA certificate in this suo motu complaint stating total cost incurred on the said project till 31.03.2025 and total collections received from the allottees with respect to the project. Counsel also requested for some time to file additional reply.

10. The Authority observes that the CA certificate is still ambiguous. Why the promoter has not closed the old accounts and transferred the balance in the new accounts? After consideration, Authority directs the promoter to again submit a CA certificate alongwith detailed reply to the observations conveyed vide orders dated 10.07.2024 (in agenda proceeding) and to deposit penalty of ₹ 3 Lacs along with interest atleast one week before the next date of hearing.

11. Adjourned **to 29.10.2025**.

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