

New PWD Rest House, Civil Lines, Gurugram, Haryana नया पी.डब्ल्यू.डी. विश्राम गृह, सिविल लाईंस, गुरुग्राम, हरियाणा

**BEFORE THE HARYANA REAL ESTATE REGULATORY AUTHORITY,
GURUGRAM**

Date of first hearing :	27.01.2020
Date of order :	04.08.2025

Mansoor Ali Shoket

Address: 12 Aradhana Enclave,
2nd Floor, R.K Puram, Sector-13,
New Delhi-110066.

Complainant

Versus

M/s BPTP Limited

Having Registered Office at: सत्यमेव जयते
OT-14, 3rd Floor, Next Door Parklands,
Sector-76, Faridabad Haryana 121004.

Respondent

CORAM:

Shri Arun Kumar
Shri Vijay Kumar Goyal
Shri Ashok Sangwan

Chairman
Member
Member

APPEARANCE:

Shri Mansoor Ali Shoket (Advocate)
Shri Rahul Sharma (Legal Manager)

Complainant
AR of Respondent

ORDER



The present order shall dispose of two matters filed vide Sua Motu Complaint No. 5821 of 2019 titled as HARERA vs M/s BPTP Limited and Application dated 14.07.2023 filed by Mr. Mansoor Ali Shoket against M/s BPTP Limited.

A. Brief background of the case:

1. Before going into the merits of the case, it would be appropriate to recapitulate the sequence of the events leading to the present proceedings. The matter of non-registration of the project namely "Pedestal Floors" at Sector- 70A, Gurugram, came up before the Authority during the hearing of a complaint bearing No. CR/433/2018 filed by Mr. Mohit Manchanda against M/s BPTP Limited in respect of said project, wherein it was observed that the said project is an ongoing project and the promoter had not registered the said project with the Authority as required under Section 3 of the Act, 2016. Accordingly, a Sua Moto complaint was registered by the Authority for non-registration of the project, namely "Pedestal Floors" at Sector- 70A, Gurugram and a show cause notice dated 16.01.2019 bearing No. HARERA/GGM/2018/Suo Moto/NON-REG/212 was issued to M/s BPTP Limited i.e., respondent promoter for violation of Section 3 of the Act of 2016. Vide said notice, the promoter was directed to submit an application in the Authority for registration of the project within a period of 10 days from the date of its receipt and also to show cause as to why penalty should not be imposed upon it for the said violation under the provisions of the Act.
2. Subsequently, a complaint was also filed by Mr. Mansoor Ali Shoket, being complainant in complaint bearing No. CR/1056/2022 dated 15.03.2022, in which besides other issues, it was also alleged that the promoter continued to market and sell units in the said project without obtaining the RERA registration. The Authority while passing order in the said complaint observed that separate proceedings are admittedly pending before the Authority vide complaint no. 5821/2019 and there

is no need for any further direction in this complaint. Thereafter, Mr. Mansoor Ali Shoket filed an application dated 14.07.2023, raising concerns regarding the registration status of the project namely "Pedestal Floors" at Sector- 70A, Gurugram and to produce the records relating to the application dated 19.01.2018 filed by M/s BPTP Limited for registration of the said project.

B. Facts of the application:

3. In his application dated 14.07.2023, the applicant has made the following submissions:
 - i. That the applicant, Mr. Mansoor Ali Shoket, is an allottee of a residential unit bearing no. D-42 (3rd Floor) in the project of the respondent namely "Pedestal Floors" located in Sector 70A, Gurugram.
 - ii. That the Authority in its various orders more particularly in orders dated 04.04.2019 passed in complaint bearing nos. CR/761/2018 and CR/609/2018, has recorded that the "Pedestal Floors" stand-alone project gets subsumed in another project and that it has not been registered with the Authority and that appropriate action may be initiated.
 - iii. That the Authority on 16.01.2019 issued a show cause notice bearing No. HARERA/GGM/2018/SCN to M/s BPTP Limited calling upon to explain why action may not be taken against it for violating the provisions of the RERA Act, 2016.
 - iv. That in response to the show cause notice, M/s BPTP Limited, submitted a reply on 28.01.2019, denying the registration of project namely "Pedestal Floors". Further, it categorically stated that it had applied for registration of project namely "Pedestal Floors" on 19.01.2018 and thus not in violation of provisions of RERA Act, 2016. Along with the said reply, M/s BPTP Limited has annexed a copy of the application dated 19.01.2018 and its communication dated 19.12.2018.



- v. That in response to various RTI applications filed by the applicant, the information about the registration of project namely "Pedestal Floors" was provided by the SPIO of the Authority which is as follows:
- a) **Information provided on 14.07.2022:** Copy of the communication dated 29.11.2019 issued by the Authority to M/s BPTP Limited calling upon to bring the demarcation / layout plan of the said project. It was clearly stated in the said communication that M/s BPTP Limited has not obtained the CC/Part OC/ Full OC/ occupation certificate till 29.11.2019.
 - b) **Information provided on 22.09.2022:** Copy of the SCN dated 16.01.2019 and Reply of M/s BPTP Limited (without annexures) dated 28.01.2019.
 - c) **Information provided on 09.02.2023:** The said project is not registered with the Authority hence the record is not available with the authority and M/s BPTP Limited or any of its sister companies did not seek an extension of the registration of the project namely "Pedestal Project".
 - d) **Information provided on 19.04.2023:** (pursuant to an order of Appellate Authority under RTI): (a) Copies of the enclosures to the M/s BPTP Limited reply dated 28.01.2018 i.e., application dated 19.01.2018 for registration (without annexures) and M/s BPTP Limited communication dated 19.12.2018.
- vi. Since the SPIO had not provided the annexures to the M/s BPTP Limited application, the applicant requested him to provide the same. However, he physically showed the court file where annexures to the application were missing and advised that an application be made HARERA, Panchkula under RTI. However, the SPIO HARERA Panchkula forwarded the application to the SPIO of this Authority with a request to the SPIO to provide the annexures.

- vii. That during the hearing of the matter on 20.06.2023 and 12.07.2023, the applicant looked into the file and found that the annexures in the M/s BPTP Limited application for registration of the project namely "Pedestal Project" are not available in the court file.
- viii. Since the matter relates to the registration of the project namely "Pedestal Project" and when M/s BPTP Limited:
- On 28.01.2019 took a stand that it had already applied for registration and referred to Section 5 (2) of RERA Act; and
 - has now taken a stand in its reply dated 01.06.2023 has taken a stand that the Pedestal project is registered as a part of the Project 'Astaire Gardens'.
- It becomes necessary, expedient and in order to fully appreciate and decide the issues, the complete application dated 28.01.019 (with annexures) filed by the M/s BPTP Limited is available for the scrutiny of the Authority.
- ix. That the issue is how M/s BPTP Limited applied for registration as a stand-alone project gets subsumed in another project and that too after the Authority has passed the judgements about the violation of provision of RERA Act and issued a show cause notice to M/s BPTP Limited for non-registration of BPTP Pedestal Project. Interestingly, after the show cause notice was issued, the matter was taken up for hearing on 25.02.2020 when the Authority recorded that the reply filed by M/s BPTP Limited is still under scrutiny. From the record, it becomes clear that the reply filed by M/s BPTP Limited which included its application for registration (with annexures) was not made available to the court file. The annexures are now missing from the court file and/or are not being provided to the applicant.
- x. That the applicant submits that the records relating to the application dated 28.01.2019, there may not be proper adjudication of the issues in the matter.



Further, the applicant, in order to fully assist the Authority, needs to look into annexures as the annexures include the sanctioned plan etc., issued by various authorities which was necessary for just adjudication of the issues.

C. Relief sought in the application:

4. The application vide present application has sought following reliefs:

- i. Direct M/s BPTP Limited to produce before the Authority copy of the complete application dated 19.01.2018 for registration of the M/s BPTP Limited Pedestal Project for scrutiny of the Authority.
- ii. Direct M/s BPTP Limited to supply annexures to its application for registration dated 19.01.2018 for registration of Pedestal project, to the applicant.
- iii. Pass any other or further order, which this Authority deems fit and proper in the facts and circumstances of the case.

D. Written submissions of respondent:

5. The respondent vide written submissions dated 01.06.2023, 18.09.2023 and 11.04.2025 has made the following submissions:

- i. That the complainant, Mr. Mansoor Ali Shokat, had booked unit D-42 (Third Floor) in "Pedestal Floors" on 29.07.2013.
- ii. That as per Clause B of the Application Form, the land admeasuring 102.2 acres falls under License No. 15 of 2011 dated 07.03.2011, issued by DTCP, Haryana, for development of a township in Sector 70 & 70-A, Gurugram.
- iii. That the Flat Buyer Agreement dated 20.11.2013 also contains identical recitals, confirming that the "Pedestal" units are part of the colony being developed under said license.

- iv. That the name "Pedestal Floors" is just a brand name used for marketing purposes and does not constitute a separate project. It is a part of the "Astaire Garden" township.
- v. That the promoter has already obtained RERA registration for the project "Astaire Garden" under Registration No. GGM/487/219/2021/55 dated 21.09.2021, which covers plots, floors, and villas, including Pedestal Floors.
- vi. That the said RERA certificate also specifically mentions License No. 15 of 2011, establishing that the registration includes the land over which Pedestal Floors was constructed.
- vii. That the complainant has defaulted in payment obligations, despite several reminders. The allotment was terminated, and the present complaint has been filed with malafide intent.
- viii. That the complainant is also engaging in forum shopping and attempting to mislead the Authority for undue benefit.
- ix. That the promoter asserts that it has complied with all provisions of the RERA Act, and the complaint is unjustified and baseless.
- x. That the promoter stated that the Suo moto notice is solely between HRERA and M/s BPTP Limited, and the application filed by Mr. Mansoor Ali Shoket should not be entertained as he is not an impleaded party.
- xi. That it reiterated that the project "Pedestal Floors" is not a separate project but merely a marketing name for floors developed on plots within the licensed colony "Astaire Garden" under License No. 15 of 2011.
- xii. That the booking form and flat buyer agreement of the complainant mention the same license, confirming that "Pedestal Floors" is part of "Astaire Garden".



- xiii. That the promoter had already obtained RERA registration for "Astaire Garden" on 21.09.2021 (RC No. GGM/487/219/2021/55), covering plots, floors, and villas, including those marketed as "Pedestal Floors".
- xiv. That the promoter clarified that a previous application dated 19.01.2018 for registration of project namely "Pedestal Floors" was kept pending due to procedural transition to HRERA Gurugram and the new DPI format.
- xv. That a fresh RERA registration application was filed for the entire colony layout (97.98 acres) and approved under the project name "Astaire Garden", covering all units including "Pedestal Floors".
- xvi. That the complainant was labeled as a payment defaulter, and his unit was terminated. His application was alleged to be malafide, misleading, and an abuse of process aimed at gaining undue benefit.
- xvii. That the promoter prayed for dismissal of the complaint and disposal of the Suo moto case, stating that the project is already duly registered and compliant with RERA provisions.
- xviii. That pursuant to the Authority's order dated 10.03.2025, a reply was filed by the promoter on 11.04.2025, submitting annexures related to the earlier registration application of the "Pedestal Floors" project before H-RERA, Panchkula.

E. Written submissions of applicant:

- 6. The applicant vide written submission dated 12.05.2025 has made the following submissions:
 - i. Failure to Register Pedestal project Separately: The complainant submits that the project "Pedestal Floors" was conceived, launched, and developed as a standalone real estate project by the respondent. Despite this, the respondent has not obtained RERA registration for Pedestal Floors as

required under Section 3 of the Act. This amounts to a clear violation of the RERA Act, 2016.

- ii. **Multiple Judicial Findings Recognize Pedestal Floors as a Separate Project:** The Authority, in several judgments dated 04.04.2019, 22.08.2022, and 28.03.2023, has repeatedly identified "Pedestal Floors" as an unregistered and separate project, not as part of "Astaire Garden". These findings have never been challenged by the respondent.
- iii. **Contradictory Conduct by M/s BPTP Limited:** M/s BPTP Limited had itself filed an application on 19.01.2018 before HRERA, Panchkula for separate registration of Pedestal Floors, enclosing all required documents such as sanctioned layout plans. The sudden claim in 2025 that it is part of Astaire Garden is an afterthought to circumvent liability.
- iv. **No Disclosure of Pending Application or SCN:** At the time of applying for the registration of "Astaire Garden" in 2021, the respondent did not disclose the prior application for Pedestal Floors, nor the pending Show Cause Notice issued by the Authority in 2019. This is a case of material non-disclosure intended to mislead the Authority.
- v. **Misuse of Board Resolution and Affidavit:** The respondent's board resolution dated 04.02.2025 and affidavit dated 17.02.2025 are self-serving and lack evidentiary value. A resolution passed in 2025 cannot retrospectively validate the claim that "Pedestal" was always part of "Astaire". Furthermore, the affidavit wrongly asserts that HRERA refused to process the 2018 application — no such record or rejection order has been produced.
- vi. **No Provision in Law for Merger of Projects:** There is no provision under the RERA Act that allows a standalone project to be later merged or included



in another registered project. Even if "Pedestal" was a phase of "Astaire", it mandatorily required separate registration under the explanation to Section 3 of the Act.

- vii. Violation of Section 59 and Regulation 5: Both "Pedestal Floors" and "Astaire Garden" were launched long before their eventual registration (in 2021). This is a clear violation of the time limit under Section 3(1) proviso, attracting penal consequences under Section 59 of the Act and Regulation 5 of the 2018 Late Fee Regulations. No penalty proceedings have been initiated to date.
- viii. False and Misleading Submissions: The respondent's current position is inconsistent with its previous conduct and documentary evidence. Its own project disclosures refer to "Pedestal @70A" as a separately developed project. The belated claim of its inclusion in Astaire Garden is merely a defensive tactic to avoid penal action on the pending Show Cause Notice.

7. The respondent i.e., M/s BPTP Limited has thereafter filed the written submission on 04.07.2025. The gist of the submissions is as follows:

- i. Background of Registration Attempts: Respondent initially filed a separate RERA registration application for "Pedestal Floors" on 19.01.2018 before HRERA Panchkula and due to jurisdictional issues and procedural developments, the application remained undecided and was later subsumed under the new DPI-based registration system
- ii. Registration of Astaire Garden Including Pedestal Floors: Respondent submitted a fresh DPI-based registration application on 02.09.2021 for the entire colony "Astaire Garden" (97.98 acres), including Pedestal Floors and RERA Registration No. GGM/487/219/2021/55 was granted on 21.09.2021 covering plots, floors, and villas—explicitly including Pedestal Floors.

- iii. Documentation Establishing Inclusion of Pedestal in Astaire Garden: Booking Form, Buyer Agreement, and layout plans clearly show that "Pedestal Floors" form part of land covered under License No. 15 of 2011—same as Astaire Garden and Unit D-42 TF, allotted to the applicant, is shown in the approved layout and DPI of Astaire Garden.
- iv. Affidavit and Board Resolution Filed: On 17.02.2025, an affidavit and board resolution were filed affirming that "Pedestal Floors" are an integral part of Astaire Garden from inception.
- v. Objections on Maintainability of applicant's Submissions: Respondent contests the locus standi of Mr. Mansoor Ali Shoket, citing that he has not filed any formal impleadment and is no longer an allottee (his unit was cancelled). His submissions in the ongoing Suo moto proceedings are unauthorized and not maintainable.
- vi. Clarification on No Violation of RERA Provisions: Respondent argues that there is no violation of Section 3 or any provision of the RERA Act as the entire project, including Pedestal Floors, is now registered. No concealment or misrepresentation was made; all disclosures were filed in good faith.
- vii. Site Visit by Authority Supports Respondent's Stand: HRERA Gurugram officials conducted a site inspection, which confirmed that Unit D-42 TF falls within the registered layout of Astaire Garden.
- viii. Past Defaults and Cancellation of applicant's Allotment: Applicant was a habitual defaulter; his unit was cancelled on 09.02.2022. In his earlier complaint (No. 1056/2022), he never raised the issue of non-registration, which shows his present objections are an afterthought.

- ix. Prayer for Dismissal of Complaint: In light of the above, the Respondent has requested the Authority to dismiss the complaint as meritless, non-maintainable, and liable to be dismissed with costs.

F. Findings of the Authority:

8. After considering the documents available on record as well as submissions made by the parties, it is observed that:
- As per the definition of "real estate project" under Section 2(zn) of the Act, a project includes not only the portion where development is done, but also common areas and community facilities.
 - The promoter's submission that "Pedestal Floors" is not a standalone project but part of the registered "Astaire Garden" project is supported by licensing documents, layout plans, registration certificate, and project registration details. The registration certificate bearing no. 55 of 2021 dated 21.09.2021 issued by the Authority in the name of "Astaire Garden" pertains to license No. 15 of 2011 dated 07.03.2011 admeasuring 88.68125 acres and license No. 62 of 2021 dated 01.09.2021 admeasuring 9.30 acres. The project includes the plots, floors, and villas. The project comprising a total 792 plots [53 plots for villas and 248 plots for 744 floors (G+2), 159 EWS plots].
 - A perusal of the Floor Buyers Agreement dated 20.11.2013 submitted by the respondent promoter in respect of the allotment made to Mr. Mansoor Ali Shoket for unit no. D-42-TF shows that the promoter has stated in the recital A as under:

"The landowners amongst themselves are the owners in possession of the land admeasuring approx. 102.2 acres in falling in revenue estate of Village Palra in Sector-70 & 70A, Gurugram-Manesar Urban Complex Gurgaon (referred hereinafter as the

"said land"). The Director General Town and Country Planning, Haryana ("DGTC") has issued license bearing no. 15 of 2011 dated 07.03.2011 (hereinafter referred to as the "said license") to the confirming party for development of integrated township consisting of Plots, Villas, Floors, Shopping Centers, Community Centers, Schools etc. (hereinafter referred to as the "colony"). Pursuant to the said license the confirming party is sufficiently entitled to develop, sell and market the Villas/plots/floors proposed to be developed on the said land. The Seller and the confirming party conceived and are in the process of developing certain plots into Finished/ Semi-finished residential floors under the name and style of "Pedestal" (hereinafter referred to as "Project") over a portion of said land being part of the said colony".

- iv. The Authority observes that the respondent promoter while applying for registration of the residential plotted colony namely "Astaire Garden" has provided the information with respect to the complete area under license no. 15 of 2011 dated 07.03.2011 comprising 88.68125 acres (Out of the original area of 102.20 acres in the said license, an area comprising 13.51875 acres stood migrated under DDJAY Scheme) and License no. 62 of 2021 dated 01.09.2021 comprising 9.30 acres total area admeasuring 97.98125 acres comprising a total 792 plots [53 plots for villas and 248 plots for 744 floors (G+2), 159 EWS plots]. The unit no. D-42 TF allotted to Mr. Mansoor Ali Shoket also falls in the said area as per the layout plan and detailed project information submitted at the time of registration. It is further observed that as per records of the Authority late fee amounting to Rs 1,78,17,884/- (One Crore Seventy Eight Lakhs Seventeen Thousand Eight Hundred Eighty Four Only) was levied upon the promoter while registering the said project. In view of the above, it is observed that the



"Pedestal Floors" form part of land covered under the registration certificate issued by the Authority vide RC no. 55 of 2021 dated 21.09.2021.

- v. Consequently, the application dated 19.01.2018 submitted by the promoter for registration of the residential plotted colony, though not acted upon separately, became redundant upon the grant of registration of the entire colony under the new comprehensive format adopted by the Authority.

G. Directions of the authority

9. After considering the factual and legal circumstances of this case, the Authority returns the following directions:

- i. The Suo motu proceedings initiated vide show cause notice dated 16.01.2019 are hereby closed, as the project in question i.e. "Pedestal Floors" already stands registered as part of "Astaire Garden" under RC No. 55 of 2021.

The present complaint as well as application dated 14.07.2023 and other proceedings, if any with regard to the present matter stand disposed of. The file be consigned to the registry.

(Ashok Sangwan)

Member, HARERA

(Vijay Kumar Goyal)

Member, HARERA

(Arun Kumar)

Chairman, HARERA