



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 1999 OF 2022

HRERA Panchkula (Suo moto)

....COMPLAINANT

VERSUS

HL Promoters Pvt. Ltd.

....RESPONDENT

Date of Hearing: 03.11.2025

Hearing: 9th

Present: - Adv. Jaiyash Yadav, proxy for Adv. Sumesh Malhotra, main counsel for the respondent through VC.

ORDER (NADIM AKHTAR –MEMBER)

1. The present complaint has been initiated by the Authority on its own motion under Section 35(1) of the Real Estate (Regulation and Development) Act, 2016 (for short, *the Act of 2016*) read with Rule 28 of the Haryana Real Estate (Regulation and Development) Rules, 2017, for alleged violation or contravention of the provisions of the Act, Rules and Regulations framed thereunder. It is inter alia prescribed therein that the promoter shall be responsible to fulfill all the obligations, responsibilities, and functions towards the allottees as per the terms and conditions agreed between them.

2. It is further pertinent to mention here that this order shall also dispose of Complaint No. 2392 of 2022, titled "*Anand Chandra and Others vs. HL Promoters Pvt. Ltd.*", which was ordered to be merged with the present proceedings vide order dated 23.08.2023 passed in the said Complaint.
3. The Authority records that initially a letter dated nil was received in the Authority on 27.07.2022 from the residents of "Tata New Haven, Sector-37, Nunamajra, Jhajjar Road, Bahadurgarh, Haryana" addressed to the then Hon'ble Chairman, HRERA, Panchkula, wherein the residents collectively raised grievances with respect to the project in question and the various hardships being faced by them. The relevant portion of the said letter is reproduced hereunder:

"Dear Sir (s) / Madam (s),

We the residents of Tata New Haven, Sector 37, NunaMajra, Jhajjar Road, Bahadurgarh, Haryana 124507, with utmost grief are writing this letter to you for your kind intervention. We have purchased the premium apartments sold by HL Promoters Pvt Ltd (A subsidiary of Tata Value Homes Limited), having its registered office at Flat no GF3, Naurang House, Plot no 5, Block no 134, KG Marg, New Delhi 110 001 and having its regional office at TRIL Commercial Center, "Intellion Edge", Tower A, First Floor, Sector 72, Gurugram 122 101 (Hereinafter referred as "Builder").

Despite making all the payments due to the Builder we were provided at various dates as per schedule in last 15 months or so. We were shocked and appalled by the building that has been offered to us and high handedness of the Builder. Following are some of the major issues related to project.

- *Major seepage in the basement parking for most part of the last year and still the problem is not solved, with monsoon round the*



corner these could be happy hunting ground for various insects leading to health hazards like Dengue, etc.

- *Cracks at most of the places inside and outside the flats depicting poor construction quality*
- *We were shown park in the sale brochure but till date the park is not made.*

*The first 2 issues are giving us sleepless night as we are living in constant fear that building may collapse or some part of the building may collapse which can cause irreparable damages. Our fear arise from the fact that **Chintels Paradiso society in Gurugram** had partially collapsed taking 2 people lives. Further would like to draw your attention that as per instructions from Hon'ble CM a Special Investigation Team under the Regional Township Planner was constituted to do structure Audit of OMAXE NORTH AVENUE (Rohtak Road Bahadurgarh) that timely intervention has ensured that the building has been rectified in time before any irreparable event could take place. In light of this we would request you to please intervene in this matter and please direct the builder for appropriate compensation and timely resolution of the matter.)"*

4. Upon receipt of the above-mentioned letter, the Authority deemed it appropriate to initiate preliminary action to ascertain the veracity of the issues raised. Accordingly, a notice under Sections 34(f), 37 and 38(1) of the RERA Act, 2016 read with Rule 28 of the Haryana RERA Rules, 2017 was issued to the promoter, "M/s HL Promoters Pvt. Ltd.," for ensuring compliance with the obligations cast upon the promoter under the Act. Considering the seriousness of the allegations relating to possible structural and safety concerns, the Authority also decided to take suo motu cognizance of the matter under Sections 35(1) and 38(2) of the RERA Act and accordingly registered a complaint bearing No. 1999 of 2022. The relevant part of the said notice issued to the promoter is reproduced hereunder:



"Subject-Notice under Section 34 (f)37,38(1) of the RERA Act read with rule 28 of RERA Rules,2017.

Take notice of letter dated 27-07-2022 received from 32 residents of Tata New Haven, Sector-37, Nunamajra, Jhajjar Road, Bahadurgarh, Haryana, the project which was developed by you wherein they stated that the apartments were purchased from you after making all the payments. The grievances faced by the residents are that there are major seepages in the basement, cracks inside and outside the flats which may cause collapsing of the building and irreparable loss to the residents.

Under Section 34 of the RERA Act the Authority has to ensure compliance of the obligation cast upon the promoter, the allottees and the Real Estate agents under the Act, and rules and regulation made thereunder. Therefore, the Authority has decided to take Suo Motu cognizance of the matter under Section 35 (1) that 38 (2) of the RERA Act and registered a complaint bearing no-1999 of 2022.

You are hereby directed to submit your reply on before 06-09-2022 i.e., the date fixed for hearing. You may appear before the Authority on the date fixed either personally or through representative under section 56 of the RERA Act which the matter will be decided in your absence as per law.

Authority exercising its power under section 35(2) hereby direct you to place on record all the relevant documents and photograph pertaining to the project, aforesaid."

5. The matter came up for hearing on 07.09.2022, on which date the respondent sought an adjournment through an email dated 06.09.2022. However, it was observed that a detailed reply to the notice had been filed in the Registry. In its written reply, the respondent company M/s HL Promoters Pvt. Ltd. denied all allegations made by the residents of the promoters project and stated that the project was developed strictly in accordance with approved building plans, applicable laws, and industry standards. It was submitted that the



promoter was granted License No. 60 of 2014 and License No. 120 of 2014 by the office of Director, Town and Country Planning (DTCP), Haryana, for development of a group housing colony over land measuring 21.75 acres in Sector-37, Nunamajra, Bahadurgarh. Phase-I of the project, admeasuring 5.252 acres, was duly registered with this Authority under Registration No. 22 of 2017 and the Occupation Certificate for the same was issued by DTCP vide Memo No. ZP-985/JD(RD)/2021/383 dated 08.01.2021. The respondent further submitted that the allegations regarding structural instability and construction defects are baseless. It was contended that the project has been designed by qualified structural engineers as per the National Building Code and relevant IS standards, and an independent structural audit by *EBI Projects* confirmed structural soundness. As regards basement seepage, it was clarified that minor leakage had occurred due to heavy rainfall, which has since been rectified. With respect to cracks in walls, the respondent explained that these were superficial and non-structural, commonly arising from material expansion and shrinkage, and were being repaired at no cost to the residents. The respondent also maintained that all parks and facilities promised under Phase-I have been duly completed as per approved plans. The respondent concluded that the complaint was filed by a few residents with ulterior motives to create unrest among the community, and requested that the notice



issued by the Authority be withdrawn, while assuring full cooperation in providing any information or assistance required by the Authority.

6. The Authority, upon considering the contradictory submissions made by both the parties, deemed it appropriate to ascertain the actual ground position of the project in question. Accordingly, during the hearing held on 20.09.2022, the Authority decided to appoint a Local Commissioner to inspect the project site and report on the issues raised by the residents, particularly regarding the alleged seepage, cracks in the structure, and non-provision of park facilities. The respondent was directed to deposit the requisite fee for the Local Commissioner, which was duly complied with. Thereafter, the Local Commissioner was appointed, and the matter was adjourned on 09.02.2023 and 10.05.2023, awaiting submission of the inspection report. The report of the Local Commissioner was received by the Authority on 22.08.2023, and the relevant findings are reproduced below:

"In reference to the orders of the Authority dated 20.09.2022, whereby the undersigned was appointed as Local Commissioner to inspect the site after giving due notice to both parties, the undersigned visited the project site on 05.11.2022 at 12:00 Noon in the presence of representatives of both sides.

The complainants had alleged that the project was delivered with defects relating to (i) seepage in the basement parking, (ii) poor quality of materials used in construction, and (iii) non-availability of the park facility as shown in the brochure. The undersigned was further directed to report on the overall status of the project and its infrastructure services vis-à-vis approved building and service plans, including functionality of the STP, electricity supply, and other amenities.



1. Seepage in Basement Parking: The residents informed that they were offered possession of flats since February 2021 onwards and had raised repeated concerns regarding persistent seepage in the basement, which over time had resulted in rusting and damage to the walls. The promoter, however, attributed the seepage to substantial rainfall. Upon inspection, it was observed that the basement roof is open to the sky with green cover above, indicating that leakage is likely due to poor waterproofing of the roof slab. At the time of the site visit, seepage was visibly present, and the same requires proper waterproofing to prevent further structural deterioration.

2. Cracks in Flats: Certain residents complained of recurrent cracks inside their units. Upon inspection of a few flats, some superficial cracks were indeed observed. The promoter explained that such cracks were limited to the blockwork, not the structural frame, and were typical in RCC structures due to differential thermal expansion between AAC blocks and plaster. The promoter also stated that rectification work was being carried out proactively and without cost to the residents.

3. Absence of Park Facility: Residents reported that the park behind Towers 11 and 12, as shown in the brochure, had not been developed, and the front park was not constructed as per the layout displayed in the brochure. The promoter contended that the project was being developed strictly as per the approved plans and that all parks committed under Phase-I had already been completed.

The undersigned further observed that a final assessment as to whether the entire colony has been constructed in accordance with the approved plans can only be conclusively determined once the entire project is completed and the **part completion or completion certificate** is granted by the Director General, Town and Country Planning (DG, TCP). "

7. The Authority has carefully perused the inspection report dated 22.08.2023 submitted by the Local Commissioner appointed vide order dated 20.09.2022. Upon examination of the said report, the Authority observes that several deficiencies, both structural and non-structural in nature, were recorded including seepage in common areas and basements, cracks on the external plaster of flats, incomplete boundary wall and compound area, and improper



disposal of construction debris. The Local Commissioner also highlighted the absence of a structural stability certificate and non-compliance with fire and electrical safety norms as required under the *Haryana Building Code, 2017*. Based on this report, the Authority, vide order dated 23.08.2023, directed the respondent to rectify all the deficiencies mentioned in the inspection report and to submit a detailed compliance/status report along with proof of rectification. In compliance, the respondent filed an application dated 27.10.2023, enclosing photographs as *Annexures A, B, and C*, depicting rectification works related to water leakage treatment, cracks in flats, and the development of park facilities. During the hearing held on 08.11.2023, learned counsel for the respondent sought an extension of two months to complete the pending rectification works and to submit the final compliance report. The request was accepted, and the matter was adjourned accordingly. The respondent subsequently filed a further progress report on 19.02.2024, detailing additional remedial measures undertaken. However, *Mr. Anand Chandra*, complainant in Complaint No. 2392 of 2022, filed an application dated 01.05.2024, enclosing photographs and listing persisting deficiencies in the project. Considering the issues raised therein, the Authority directed the respondent to again address and rectify the said deficiencies and to file a fresh compliance report. The case was adjourned to 18.11.2024. During the hearing



on 18.11.2024, the complainant reiterated that certain deficiencies, including wall cracks and seepage in the basement, still persisted and also presented video evidence of the same before the Authority. Observing that despite repeated directions the deficiencies continued, the Authority deemed it appropriate to once again appoint a Local Commissioner to inspect the project and ascertain (i) the extent of seepage and wall cracks and (ii) whether the project was in a habitable condition. Case was accordingly adjourned to 10.02.2024 and 07.04.2025, for the process of appointment of local commissioner. Accordingly, M/s Protech Consortium, Kurukshetra was appointed as Local Commissioner vide Executive Director, HRERA, Panchkula letter no. HRERA-PKL/ED/COMP/2025/10072-74 dated 28.05.2025. The Local Commissioner submitted his report dated 31.07.2025 (filed in the registry on 07.08.2025), which reads as under:

"The Protech Consortium, Kurukshetra was appointed Local Commissioner vide Executive Director, HRERA, Panchkula No. HRERA-PKL/ED/COMP/2025/10072-74 dated 28.05.2025, to visit the site of Group Housing Project situated at Sector-37, Bahadurgarh of M/s HL Promoters Pvt. Ltd. respondent-developer in presence of both the parties and submit report with regard to the deficiencies specifically relating to seepages in basement parking and wall cracks as ordered by the Authority in its order dated 18.11.2024 and 07.04.2025.

A prior notice of the visit was given to both the parties namely Sh. Anand Chandra, complainant and M/s HL Promoters Pvt. Ltd. through available email address (Annexure-III). Professional Engineers of the Consortium (Dr. R. S. Malik, Er. B. B. Bansal) visited the site at Bahadurgarh on 29.07.2025 at 12:30 P.M. Only the complainant Sh.



Anand Chandra and three other residents were present at site. No one turned up from the respondent side. However, Mr. Aman, Maintenance Manager of maintenance company came but refused to sign the attendance sheet. The parking in basement was inspected and photographs were taken at some specific points which are attached as Annexure-I and attendance sheet is appended with the report as Annexure-II.

On the basis of the order of the Authority dated 18.11.2024 and 07.04.2025 following points were required to be ascertained at site during the visit:

1. **Position of cracks in the apartments.**
2. **Position of cracks and seepage in the basement parking.**

The housing project was situated on Jhajjar road where a guard regulated entrance was existing (Annexure-I, photo 1). The campus had five completed towers (number 5, 6, 7, 11 and 12) which were duly inhabited (Annexure-I, photo 2, 3). Tower number 10 was under construction (Annexure-I, photo 3). The parking for all residents was in the basement under the towers as well as under the park situated between the towers (Annexure-I, photo 4).

It was found that tower structures as a whole stood in a good condition and perhaps the cracks in walls were of superficial nature i.e. had no effect on structural safety of the buildings, which had been attended to either by the developers or the residents themselves. This issue was therefore, not stressed by the complainant hence was not required to be visited.

The main issue was that of seepage and cracks in basement parking. Incidentally mild rain had taken place just before the visit. The seepage was visible through the slab under park more prominently at about fifteen points and at some places seepage water had accumulated on the floor of parking (Annexure-I, photo 5, 6, 7, 8, 9). Repairs had also been done for cracks on the ceiling through which seepage had taken place. This method of repair was technically not sound and of no use (Annexure-I, photo 10, 11). It was apparent that proper water proofing treatment of the RCC slab over parking and under green area had not been done during construction causing the seepage after wetting of



overhead soil in rainy season. Similar was the condition of side RCC walls of parking where earth was abutting from open areas of campus (Annexure-I, photo 12). The seepage was causing unhygienic conditions. Presently this seepage does not pose any immediate structural emergency but with passage of time the steel reinforcement present in RCC roof slab and side walls will rust under wet conditions and loose strength and bond. Such action can cause the failure of loaded slab and side wall in the long run if immediate water proofing measures are not taken from top by removing the filled earth."

8. After receipt of the report of the Local Commissioner, the matter was listed for hearing on 18.08.2025. During the said hearing, learned counsel for the respondent appeared and submitted that the Local Commissioner had not contacted the respondent at the time of inspection of the project site. It was further submitted that no prior notice of inspection had been received by the respondent and that the report of the Local Commissioner had not been directly supplied to them, whereas the complainant was already in possession of the same. On these grounds, learned counsel sought a short adjournment to enable the respondent to file objections to the said report. The Authority, upon consideration, observed that there had been evident lack of cooperation on the part of the respondent during the inspection process, as noted by the Local Commissioner in his report. The Authority further observed that the report submitted by the Local Commissioner is self-contained, detailed, and clear in its findings regarding the deficiencies in the project. Accordingly, while granting indulgence, the Authority extended a final opportunity to the



respondent to file objections, if any, to the said report on or before 04.09.2025. However, despite the lapse of time, no objections or supporting documents have been filed by the respondent till date.

9. During the hearing held today, the learned proxy counsel for the respondent appeared and submitted that, in pursuance of the last order dated 18.08.2025, the respondent was granted a last opportunity to file objections, and accordingly, he seeks permission to file the same today. The Authority observes that, as per the aforesaid order, it was clearly recorded that *"the respondent is granted a last opportunity to file objections, if any, to the said report within 15 days from today, i.e., on or before 04.09.2025. It is made clear that no further opportunity shall be granted to the respondent for this purpose."* It is evident that the respondent has failed to file the objections within the stipulated period. The Authority further observes that proceedings before this forum are summary in nature, and therefore, deems it appropriate to decline the present request of the respondent for filing objections at this belated stage.
10. The Authority has carefully perused/examined all the documents in the captioned complaint, including the reports of the Local Commissioners dated 28.08.2023 and 31.07.2025, the photographs annexed therewith, as well as the written and oral submissions advanced by the parties. It is evident from the



cumulative record that the respondent-developer has, despite repeated opportunities and explicit directions, persistently failed to rectify the multiple structural, civil, and service-related deficiencies existing in the project, thereby demonstrating continued disregard for the directions of this Authority and for the statutory obligations cast upon a promoter under the Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as "*the Act*"). It is a matter of grave concern that the defects and deficiencies noticed in the project are not isolated in nature but are fundamental and systemic, directly impacting the structural safety and habitability of the buildings. The Local Commissioner's reports, based on 'on-site' inspection and supported by photographic documentation, have recorded, *inter alia*, the following persistent and unrectified deficiencies:

Basement Seepage and Structural Deficiencies:

Prominent *seepage through the RCC slab* over the basement parking was observed at approximately fifteen locations, with visible accumulation of water on the basement floor, *Cracks on the ceiling of the basement* had been superficially repaired using technically unsound methods, which were found ineffective in preventing leakage, the *RCC roof slab and side walls of the basement lacked proper waterproofing treatment* during construction, particularly under the green area and along external earth-retaining walls,



Continuous *moisture ingress* from adjoining soil and open areas has led to unhygienic conditions within the basement, Though no immediate structural failure is evident, prolonged exposure to damp conditions is likely to cause corrosion of steel reinforcement, resulting in gradual loss of strength and potential structural distress in the long term if effective waterproofing is not undertaken from the top surface.

11. The Authority finds that despite having been repeatedly informed of these deficiencies both through the complainants' representations and the Local Commissioner's reports the respondent has taken no demonstrable steps toward comprehensive rectification. Even during the hearing, the respondent failed to produce any repair schedule, work orders, or technical certifications showing remedial progress. This conduct clearly indicates deliberate neglect and wilful non-compliance.
12. Under Section 14(3) of the Act, the promoter is under a continuing statutory obligation to rectify any structural or workmanship-related defects brought to its notice within five years from the date of possession, without any additional cost to the allottees. Furthermore, Sections 11(4)(a), 37, and 38(1) of the Act impose upon the promoter a duty to comply with directions of the Authority and maintain the project in accordance with approved specifications. The respondent's conduct, therefore, constitutes a continuing breach of statutory,

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contractual, and fiduciary obligations, as well as an unfair trade practice within the meaning of Section 2(47)(ii) of the Act. The Authority also notes with disapproval that the respondent's repeated pleas for adjournments, non-cooperation during site inspections, and failure to file objections despite indulgence being granted on multiple occasions, reflect an attempt to obstruct the regulatory process. Such deliberate disregard for lawful directions undermines the very object and purpose of the Act and cannot be countenanced. In view of the above, and in exercise of powers under Sections 14(3), 35(1), 37, and 38(1) of the Real Estate (Regulation and Development) Act, 2016, the Authority hereby directs the respondent-promoter, M/s H.L. Promoters Pvt. Ltd., to undertake comprehensive rectification and repair works of all structural, civil, and service-related deficiencies identified in the Local Commissioner's report dated 31.07.2025, within a period of ninety (90) days from the date of uploading of this order. The respondent shall strictly adhere to the following compliance requirements:

- a. The entire rectification work shall be carried out under the supervision of a qualified structural engineer.
- b. The respondent shall appoint an independent third-party technical agency, to verify and certify that the rectification work conforms to the recommendations contained in the Local Commissioner's report



and meets the standards prescribed by the Bureau of Indian Standards (BIS) and National Building Code (NBC).

c. The rectification and repair works shall be executed without levying any cost or contribution upon the allottees or the Residents Welfare Association (RWA).

13. The Authority further makes it abundantly clear that in the event of any mishappening, structural failure, accident, injury, or loss of life or property occurring within the project, arising directly or indirectly from the respondent's negligence, omission, or failure to rectify the aforesaid deficiencies, the entire civil, criminal, and financial liability shall rest solely upon the respondent-promoter, M/s H.L. Promoters Pvt. Ltd.

14. With aforesaid directions, the present complaint stands **disposed of**, subject to compliance as directed hereinabove.

Disposed of. File be consigned to record room after uploading of the order on the website of the Authority.


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NADIM AKHTAR
[MEMBER]