



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. (Suo-Motu) 269 of 2019

HRERA, Panchkula

...COMPLAINANT

VERSUS

MB MALLS.

....RESPONDENT

CORAM:

Parneet S Sachdev

Nadim Akhtar

Dr. Geeta Rathee Singh

Chairman

Member

Member

Date of Hearing: 03.12.2025

Hearing: 35th

Present: - Adv. Mukul Gupta on behalf of SRA.

ORDER (Parneet S Sachdev-Chairman)

Notice u/s 35 of the RERA Act, 2016 was issued to the promoter on 28.01.2019 for getting the project registered. License No. 1207 of 2006 dated 19.10.2006 was granted by the Town and Country Planning Department for developing a commercial colony in respect of land measuring 3.69 acres at Faridabad.

2. The matter was heard on 21.08.2023, wherein it came to the notice of the Authority that Shri Abhimanyu Mittal has been appointed as Insolvency Resolution Professional of MB Malls Pvt. Ltd. Therefore, as per orders of the

Authority dated 21.11.2022 vide item no. 190.07 a claim of ₹10 crores was filed with the IRP.

3. The respondents have submitted reply dated 09.12.2024 wherein it was mentioned that License No. 1207 of 2006 was granted for setting up of a commercial colony measuring 3.68 acres. The same was cancelled on 03.03.2017 by DTCP, Haryana on account of non-renewal of license. On 03.08.2022, NCLT initiated CIRP proceedings and Sh. Vikram Bajaj was appointed as IRP NCLT. Thereafter, Sh. Abhimanyu Mittal was appointed as Resolution Professional in place of Sh. Vikram Bajaj on 20.09.2022. The RP informed that due to moratorium, no legal proceedings against corporate debtor can be instituted and no recoveries can be made. He further informed that he was not aware of HRERA proceedings until 2019 and upon being notified he appeared personally on 14.08.2024. Further, on the said claim of ₹10 Cr he informed that additional details were requested by RP for claim of HRERA by mail and reminder was issued but no response was received from HRERA. He requested that penalty imposed by HRERA has not been approved by NCLT vide order dated 20.09.2024 since serial no. 21 of the Resolution plan states that no interest and penalties shall be paid to the statutory authorities including RERA. The respondent informed that they are in process of getting license renewed from DTCP Haryana and as and when the license is renewed from the Department, they will get the same registered under RERA.

4. On 29.01.2025, the Authority observed that any communication received through mail is not entertained by the Authority and the claim for ₹10 crores filed by the Authority does not require any further deliberation since orders of the Authority have to be followed in letter and spirit. Therefore, the said penalty of ₹10 crores is recoverable. The counsel further sought 30 days' time to get the license renewed from DTCP, Haryana. The matter was adjourned to 09.04.2025.

5. On 09.04.2025, upon hearing the averments made by the counsel, it was observed that the Authority is not a financial creditor as per Supreme Court judgments and the imposition of ₹10 crores penalty was a direction given under the RERA statute and not a claim. The Authority therefore re-directed the counsel to deposit penalty before the next date of hearing or face statutory consequences as per law. To this, counsel sought some more time to file written submissions and assured that SRA will be present on the next date of hearing.

6. On 28.05.2025, Adv. Mukul Gupta appearing on behalf of SRA informed that the respondents have filed a writ in the nature of mandamus and certiorari in the Hon'ble High Court regarding ongoing proceedings in RERA, Panchkula. The matter was adjourned to 03.09.2025.

7. The promoter i.e., MB Malls Private Limited has applied for registration of the project on 26.08.2025, which is under consideration of the Authority.

8. On the last date of hearing i.e., 03.09.2025, Adv. Mukul Gupta appearing on behalf of respondent informed that CWP No. 15635 of 2025 has been filed which was last listed before the Hon'ble High Court on 23.07.2025 and adjourned to 01.09.2025. However, on 01.09.2025, since the case was not heard it is now listed for hearing on 30.09.2025. Counsel further informed that they have submitted the order passed by Hon'ble Punjab and Haryana on 23.07.2025. After perusal of the same, the Authority is of the view that since no stay has been granted by Hon'ble High Court therefore penalty of ₹10 crores be deposited alongwith the details of properties owned by the company by way of an affidavit before the next date of hearing.

9. Today also, Adv. Mukul Gupta appearing on behalf of respondent informed that their Civil Writ Petition was listed before the Hon'ble High Court at Chandigarh on 02.12.2025. However, the matter could not heard by the Hon'ble Bench and therefore they are moving an application for early hearing so that the matter could be heard. In view of the above situation, the counsel requested for an adjournment. However, since the application for registration of

project filed by the promoter on 26.08.2025 has also been returned by the Authority on 24.09.2025 due to non-compliance of deficiencies pointed out by the Authority therefore, the matter is being disposed of at this stage and is transferred to the executions branch for recovery of penalty amounting to ₹10 crores as per law.

10. **Disposed of.** File be transferred to execution branch for further necessary action.



Dr. Geeta Rathee Singh
Member



Nadim Akhtar
Member



Parneet S Sachdev
Chairman