



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. (Suo-Motu) 892 of 2022

HRERA, Panchkula

...COMPLAINANT

VERSUS

Sana Realtors Pvt. Ltd.

...RESPONDENT

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

Date of Hearing: 11.03.2026

Hearing: 15th

Present: Adv. Shubhnit Hans on behalf of respondent.

ORDER (Parneet S Sachdev-Chairman)

In the captioned Suo motu complaint, the Authority vide its order dated 08.01.2025 had imposed penalty of ₹7 Lacs on the respondent/promoter for not applying for extension of registration on non-completion of construction works as per the timelines declared under Section 4(2)(1)(C) of the Real Estate (Regulation and Development) Act, 2016 and for non-compliance of orders of the Authority dated 06.11.2024.

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2. The respondent did not pay the aforementioned penalty, instead has filed an application dated 28.01.2026 through its counsel communicating the orders of the Hon'ble Haryana Real Estate Appellate Tribunal dated 08.12.2025 passed in Appeal No. 780 of 2024, whereby the Hon'ble Appellate Tribunal had directed the Authority to re hear the matter afresh and decide the same preferably within 4 months of uploading of this order. The operative part of which is reproduced hereunder: -

13. In view of the foregoing discussion, while remitting the matter to the Authority, we feel that fresh order should be passed after considering the version of the appellant and ratio of law laid down in Sharada Achar's case (supra). The Authority shall endeavour to conclude the proceedings at the earliest, in any case, not later than four months from the date of uploading of this order. Impugned order is, thus, set aside and the appeal is allowed in these terms.

14. Appellant is directed to appear before the Authority on 09.01.2026.

15. The amount of pre-deposit made by the appellant-company with this Tribunal at the time of filing of this appeal along with interest accrued thereon be remitted to the Authority, to be disbursed subject to final outcome of the matter. Needless to observe tax liability, if any, would apply.

16. Copy of this order be sent to appellant, its counsel and the Authority below.

17. File be consigned to the records.

3. Complying with the orders of Hon'ble Tribunal, the matter was listed for hearing today. Ld. Counsel for respondent promoter appeared and made three-fold submissions as under: -

- a. Notice was not uploaded on the web portal.
- b. The respondent was not afforded an effective opportunity of hearing, and
- c. As per the ratio laid down by the Hon'ble Karnataka High Court in the *CWP No. 3379 of 2024 titled as "Sharada Achar vs. State of Karnataka and another"* decided on 19.09.2025, the Authority does not have the explicit jurisdiction to impose penalty in absence of specific regulation made with regard to imposing the same.

4. Considering the written submissions, oral averments and the documents available on record, it is observed that the respondent/promoter, *M/s Sana Realtors Private Limited*, undertook to develop the real estate project namely "Connaught Street", a commercial colony admeasuring 1.501 acres, situated at Sector-16, Sonipat, and got the same registered with the Authority under Section 5 of the RERD Act, 2016 vide Registration No. IIRERA-PKL-SNP-197-2020 dated 20.05.2020, valid up to 31.08.2020. Even after being granted the benefit of COVID-19 period in accordance with applicable regulatory relaxations, registration of the aforementioned project stood expired on 28.02.2021. Admittedly, the respondent neither completed the project within the declared timeline under Section 4(2)(1)(C) of the Real Estate (Regulation and Development) Act, 2016 nor applied for extension of registration as per Section 6 of the Act read with HRERA Rules, 2017 within the stipulated time.

5. Consequently, the Authority in exercise of its mandate under Section 35 of the RERD Act, 2016 took Suo motu cognizance of such non-compliance of the provisions of RERD Act, 2016 and rules and regulations made thereunder and issued show cause notice dated 20.05.2022 to the respondent promoter for neither

filing any document in the Authority to show whether their project was completed within the voluntarily declared timeline under Section 4(2)(1)(C) of the Real Estate (Regulation and Development) Act, 2016 nor applying for further extension under Section 6 in case the project was not completed within the declared timelines. Vide this notice, the Authority also directed the promoter to furnish following information within 30 days of issuance of this notice: -

- i. Status of the project on the date of expiry of the registration
 - ii. Whether promoter has obtained occupation/completion certificate/part completion certificate of the aforesaid project from competent Authority? If so, copy thereof be submitted.
 - iii. Grounds and reasons for not seeking extension of registration till date
 - iv. Whether license issued by the DTCP Haryana, or any other competent Authority has expired, if yes, details of actions so far taken by the promoters, in this regard.
6. The aforesaid notice was dispatched to the respondent on the address as furnished by the respondent in Form A to II at the time of registration via registered post which was successfully delivered on 03.06.2022 (India Post Consignment No. RH561151042IN). It is pertinent to mention that the address as mentioned in the Form A to H is the last known address voluntarily declared to the Authority by the promoter itself. Accordingly, the service of this show cause notice was successful.

Even after the lapse of 30 days, despite been given an opportunity to comply with the provisions of the Act and orders of the Authority, in furtherance of the same, the promoter neither filed the reply stating the status of the project nor applied for extension in case project has not been completed. Meaning thereby, the respondent failed to fulfill its duties as per the Act and is in defiance of the



directions of the Authority making it liable to be proceeded under Section 61 read with Section 63 of the RERD Act. Section 61 and Section 63 are herein reproduced below:-

Section 61:- Penalty for contravention of other provisions of this Act. *If any promoter contravenes any other provisions of this Act, other than that provided under section 3 or section 4, or the rules or regulations made thereunder, he shall be liable to a penalty which may extend up to five per cent. of the estimated cost of the real estate project as determined by the Authority.*

Section 63:- Penalty for failure to comply with orders of Authority by promoter. *If any promoter, who fails to comply with, or contravenes any of the orders or directions of the Authority, he shall be liable to a penalty for every day during which such default continues, which may cumulatively extend up to five per cent., of the estimated cost of the real estate project as determined by the Authority.*

The matter was listed on 25.07.2022 and 31.10.2022 however since the meetings of the Authority were not held, therefore the case was also adjourned without any effective hearing. The matter again came up for effective hearing on 30.01.2023 (i.e., almost after 6 months of service of notice to respondent). On this date also the respondent neither applied for extension nor filed any document stating whether the project stand completed or not. Accordingly, the Authority restrained the respondent from selling any unsold inventory or creating third-party rights in the project until the registration of the project is extended. This order was uploaded on the web portal of the Authority on 23.02.2023.

7. Thereafter, the matter again came up for hearing on 07.08.2023 (i.e., after more than a year), in the absence of appearance by promoter or his authorized representative or reply on its behalf, the Authority took serious note of non-

compliance by the respondent. The Authority was of the considered view that the objective of the Act is to ensure sale of plot, apartment or building, as the case may be, or sale of real estate project, in an efficient and transparent manner and to protect the interest of consumers in the real estate sector, therefore, for the purpose of achieving this objective, Section 4, 5 and 6 of the Act provides for application for registration of project and for grant of registration and extension of the project. If the projects are not completed on time and if the status of completion is not available on the website for the allottees, then the entire objective of maintaining transparency cannot be achieved. Since adequate time was given after the due delivery of notice, the Authority was constrained to show cause the promoter as to why proceedings under Sections 61 and 63 of the Act for non-compliance of its directions.

8. Thereafter, Adv. Shubhnit Hans appeared on hearing dated 10.01.2024 and sought an opportunity to file reply. Authority considered his request and granted one last opportunity to the respondent to comply with the orders failing which it will be constrained to impose a penalty of Rs. 5 Lac under Section 61 read with Section 63 for not complying with the orders of the Authority.

9. On 06.03.2024 also, Adv. Shubhnit Hans appeared on behalf of respondents and again requested for time to file application for extension. However, the Authority almost after 2 years of issuance of show cause notice imposed only a penalty of ₹5,00,000/- for continued non-compliance. Despite service of the said order and appearance of the counsel, the respondent failed to deposit the penalty amount. Even thereafter, on 08.01.2025, the Authority granted a last opportunity to deposit the penalty, which was again not complied with, compelling the Authority to consider imposition of additional penalty of ₹2,00,000/-.

9. The Authority has carefully considered the submissions advanced by the respondent and examined the material on record. At the outset, the contention regarding non-service of notice is found to be untenable since it was sent via registered post on the last known address. The proceedings before the Authority are regulatory in nature, and it is incumbent upon every registered promoter to remain vigilant and compliant with statutory obligations, including monitoring proceedings related to its registered project. Hence, in compliance of the principles of natural justice, notice was duly served giving promoter an opportunity to represent his case.

10. With regard to the second contention of counsel for the respondent that adequate opportunity was not afforded to them it is observed that the show cause notice was successfully delivered on 03.06.2022. Subsequent to that the matter was heard on 10.01.2024 and 06.03.2024. On the hearing dated 10.01.2024, Authority granted last opportunity to file reply failing which the Authority shall be constrained to impose penalty. It is pertinent to mention here that on this date of hearing which was held after more than one and a half years after issuance of notice, the respondent was represented by their advocate. On the request of I.d. Counsel for respondent, this Authority afforded an opportunity to make compliances and apply for extension of registration of project. Despite that, the respondent failed to comply with the same and it is only then on 06.03.2024, the Authority imposed a penalty of ₹5,00,000/-. Despite this penalty, the respondent failed to comply with the directions, in such situation the Authority was left with no other option but to further impose the penalty of ₹2,00,000/- on hearing dated 08.01.2025. The conduct of the respondent as illustrated in this paragraph clearly shows that the promoter has been in deliberate defiance of provisions of the Act and the order and directions of the Authority and hence deserves no leniency.

11. Thirdly, the reliance placed by the respondent on the judgment in *Sharada Achar's case* is misplaced and distinguishable. The cited judgment pertains to the levy of 'delayed fee' and in the present case, the Authority has not imposed any delayed fee rather has imposed 'penalty' as expressly provided under Sections 61 and 63 of the Act, for non-compliance of provisions of the RERA Act and rules and regulations framed thereunder and for non-compliance of the orders of the Authority.

As per Meriam webster dictionary, "fee" is a fixed charge or sum paid or charged for a service and "penalty" is the suffering in person, rights, or property that is annexed by law or judicial decision to the commission of a crime or public offense. The mandate to levy fee is provided under **Section 34 (e)** of the RERA Act, 2016. This section talks about the functions of the Authority. It specifically provides that **the Authority shall levy/fix standard fees through regulations.** Meaning thereby, in absence of regulations, depicting/describing the purpose for which such fees shall be levied, the Authority cannot impose such fee. Whereas, **Chapter VIII of the RERA Act, 2016 provides for the offences and the penalties for such offences.** Section 61 specifically provides that in case the promoter contravenes any provision of the Act other than Section 3 and 4, he shall be liable to a penalty which may extend to 5% of the estimated cost of the real estate project and Section 63 goes on to provide that if the promoter fails to comply or contravenes the orders/directions of the Authority, he shall be liable to a penalty for 'every day' for which such default continues which cumulatively may extend upto 5% of the estimated cost of the project. Chapter VIII of the Act which contains Section 61 and 63 does not mention any requirement of formulating regulation by the Authority for imposition of such penalty. The difference between fee and penalty is illustrated in the tabular form as below: -



Sr. No	Fee	Penalty
1.	"Fee" is a fixed charge or sum paid or charged for a service	"Penalty" is the suffering in person, rights, or property that is annexed by law or judicial decision to the commission of a crime or public offense
2.	Chapter V of RERD Act 2016 which provides for "The Real Estate Regulatory Authority" mandates the Authority to levy fee as provided under Section 34 (e) of the RERA Act, 2016	Chapter VIII of the RERD Act, 2016 provides for the offences and the penalties for such penalties
3.	This pertains to the functions of the Authority.	This provides for the violation/offences under RERD Act or Rules and corresponding penalties which the promoter shall be liable to pay in case of such violations/offences of provisions under the Act or Rules.
4.	Formulations of Regulations are mandatory for levying the fee	If offence is established, corresponding penalty may be imposed. Formulation of regulation is not provided for as a condition to fix/impose penalty.

Conclusively, the case in hand is with regard to a show cause notice for imposition of 'penalty' therefore the imposition of penalty in the present matter is based on repeated and continued defaults, despite multiple opportunities granted over a prolonged period. Therefore, the facts of the case in hand is different/distinct from the Sharda Achar's case.


12. It is also pertinent to note that the respondent's conduct reflects a pattern of non-compliance, including failure to apply for extension in time, non-filing of requisite documents, non-deposit of imposed penalty, and repeated seeking of adjournments. The statutory scheme does not permit promoters to disregard mandatory requirements and subsequently seek leniency on equitable grounds.




13. In view of the foregoing discussion, the Authority is of the considered opinion that the respondent has failed to comply with its statutory obligations and directions of the Authority, and the penalty imposed earlier is justified and warranted. Accordingly, after hearing the matter afresh the present Suo-motu complaint is disposed of with the following directions:

1. The total penalty of ₹7,00,000/- already imposed vide orders dated 06.03.2024 and 08.01.2025.
 2. The respondent is further directed to deposit the said penalty amount within a period of **90 days** from the date of this order, failing which appropriate proceedings shall be initiated for recovery.
 3. The respondent is directed to ensure strict compliance of all statutory requirements, including pursuing its application for extension/regularization in accordance with law.
14. The matter stands **disposed of** accordingly.


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Dr. Geeta Rathee Singh
Member


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Nadim Akhtar
Member


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Parneet S Sachdev
Chairman