



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 1966 of 2022

HRERA, Panchkula

...COMPLAINANT

VERSUS

TDI Mansion 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 24.07.2024 had imposed penalty of ₹11,39,000/- on the respondent/promoter for not uploading quarterly progress reports on the web portal of the Authority as per provisions of Section-11 of the Real Estate (Regulation & Development) Act, 2016 read with Rule-14(vii)(d) of the Haryana Real Estate (Regulation & Development) Rules, 2017.

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. 779 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, TDI Mansion Pvt Ltd, undertook to develop the real estate project namely "CHITRAKOOT", an Affordable Residential Plotted Colony under DDJAY measuring 10.018 acres situated in sector 64, Village Patla and Nangal Kalan, Sonapat, and got the same registered with the Authority under Section 5 of the RERD Act, 2016 vide Registration No. HRERA-PKL-SNP-164-2019 dated 01.10.2019 valid upto 31.07.2020. Admittedly, the respondent did not file online quarterly progress report on the website of the Authority.

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 18.08.2022 to the respondent promoter for not uploading quarterly progress reports of above-mentioned project regularly, thus, violating provisions of Section-11 of the Real Estate (Regulation & Development) Act, 2016 and Rule-14(vii)(d) of the Haryana Real Estate (Regulation & Development) Rules, 2017. Vide this notice, the Authority also directed the promoter to submit online quarterly progress report within a period of 30 days on

the website of the Authority, failing which you will be liable for penal action U/s 63 of the RERA Act, 2016.

6. The aforesaid notice was dispatched to the respondent on the address as furnished by the respondent in Form A to H at the time of registration via registered post which was successfully delivered on 25.08.2022 (India Post Consignment No. RH581928114IN). 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 did not file online QPRs. 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 63 of the RERA Act. Section 63 is herein reproduced below: -

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 19.12.2022 (i.e., almost after 4 months of service of notice to respondent) and since the respondent did not file online QPRs, the Authority decided to grant one last opportunity to file online quarterly progress reports up to 2nd quarter of the year 2022 failing which penalty of Rs. 1000/- per

day shall be imposed. This order was uploaded on the web portal of the Authority on 30.12.2022.

7. Thereafter, the matter again came up for hearing on 25.04.2023 (i.e., after around 4 months), 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-11 of the Act provides for functions and duties of promoter and Section 11 (1) (e) of the Act provides for updating the quarterly up-to-date status of the project. If quarterly status of the project 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 imposed a penalty of Rs. 1000/- per day from 25.04.2023 till the quarterly progress reports are uploaded online. Thereafter, the matter was heard on 17.07.2023 and 06.11.2023 wherein no one represented and penalty of Rs 1000/- per day continued since the QPRs were not filed.

8. Thereafter, Adv. Shubhnit Hans appeared on hearing dated 28.02.2024 and informed that completion certificate in this project has been granted by DTCP, Haryana on 16.11.2023. However, QPRs were filed only upto 31.12.2021 on the web portal. Therefore, the Authority granted one last opportunity to the respondent promoter to submit quarterly progress reports upto the date of completion certificate failing which penalty of ₹1,000/- per day shall increase to Rs 10,000/- till the quarterly progress reports are filed online by the promoter.

9. Thereafter, on the hearing dated 08.05.2024, Adv. Shubhnit Hans stated that offline QPRs have been filed by them alongwith the request of providing user id and password on 01.04.2024. On examination it was found that user id and password was provided to the respondent on 22.04.2024. Further, since the quarterly progress reports upto the date of completion certificate were not filed even after providing the Login Id Password, the penalty of Rs 1000/- day was increased to Rs 10,000/- day.

10. On 24.07.2024, i.e., almost after 2 years of issuance of show cause notice, proxy counsel appearing on behalf of Adv. Shubhnit Hans apprised the Authority that QPRs upto December 2023 have been filed by the respondents on 23.07.2024. The Authority therefore directed the respondents to deposit the cumulative penalty till 23.07.2024 amounting to Rs. 11,39,000/- for continued non-compliance.

11. Despite service of the said order and appearance of the counsel, the respondent failed to deposit the penalty amount. Even thereafter, on 20.11.2024 and on further dates, the Authority granted opportunities to deposit the penalty, which was again not complied with by the promoter.

12. 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.

13. 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 25.08.2022. Subsequent to that, the matter was heard on 19.12.2022 and 28.02.2024. On the hearing dated 19.12.2022, 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 the hearing dated 28.02.2024 which was held after more than one and a half 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. Despite that, the respondent failed to comply with the same and it is only then on 24.07.2024, the QPRs were filed by the respondent and the Authority directed the respondent to deposit the cumulative penalty of Rs. 11,39,000/-. 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 RERA Rate of Interest as per Rule 15 of the RERA Rules on the said penalty on hearing dated 22.01.2025. 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.

14. 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 RERD 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 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 | Chapter VIII of the RERD Act, 2016 provides for the offences and the penalties for such penalties |

| | | |
|----|---|--|
| | fee as provided under Section 34 (e) of the RERA Act, 2016 | |
| 3. | This pertains to the functions of the Authority. | This provides for the violation/offences under RERA 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 are different/distinct from the Sharda Achar's case.

15. It is also pertinent to note that the respondent's conduct reflects a pattern of non-compliance, including failure to file online QPRs, 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.

16. 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 ₹11,39,000/- already imposed vide orders dated 24.07.2024 and 22.01.2025.
 2. The respondent is further directed to deposit the said penalty amount alongwith interest 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.
17. 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