



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 1649 OF 2023

HRERA, Panchkula

.... COMPLAINANT

VERSUS

Aarcity Builders Private Limited

....RESPONDENT

CORAM:

Parneet S Sachdev	Chairman
Dr. Geeta Rathee Singh	Member
Chander Shekhar	Member

Date of Hearing: 22.04.2026

Hearing: 12th

Present: Adv. Tarun Ranga on behalf of the respondent.

ORDER (Parneet S Sachdev Chairman)

This Suo-motu complaint U/s 35 of the RERD Act pertains to the project namely, 'Regency Park'- a group housing colony on land measuring 8.181 acres situated in Village Satrod Khurd, Sector 11A and 17, Tehsil and District Hisar, Haryana registered vide Registration No.295 of 2017 dated 13.10.2017 valid upto 31.12.2021 being developed by Aarcity Builders Private Limited .

2. Promoter had applied for extension of above said project which was considered by the Authority in its meeting held on 05.07.2023 vide item no. 217.39 wherein it was observed that promoter was granted license no. 262 of 2007 for an area measuring 12.081 acres whereas he had got registered an area of 8.181 acres and has not submitted occupation certificate for the remaining area measuring about 4 acres. Therefore, a show cause notice under Section-35 of RERA Act, 2016 was issued to the promoter as to why the entire project measuring 12.081 acres bearing license no. 262 of 2007 may not be treated as an ongoing project.

3. Vide reply dated 04.12.2023, the respondent/promoter had submitted that:

i. The Director Town and Country Planning, Haryana had granted license no.262 of 2007 for area measuring 12.081 acres on 01.12.2007 to the former developer of project later on the same was transferred in favour of Respondent Company on 24.03.2023

ii. The Respondent Company has developed the project in phases and first phase of an area measuring 3.90 acres was developed prior to the commencement of the Real Estate Regulation & Development Act, 2016 and the Respondent Company had applied for part Occupation Certificate in 2016 and the part Occupation Certificate for 8700.235 sqm was granted on 29.10.2018.

iii. When the said Act came into force on 31.07.2017, the Respondent applied for the registration in the Authority and duly informed the Authority about completion of area admeasuring 3.90 acres and requested the Hon'ble Authority to grant registration for 8.181 acres. In the interest of natural justice, the Authority granted registration for 8.181 acres on 13.10.2017 bearing Registration No. 295 of 2017 dated 13.10.2017.

iv. Since, the area of 3.90 acres was already decided and exempted by the Authority, this complaint may be dismissed/recalled.

4. On 18.12.2023, the Authority observed that since RERD Act, 2016 came into force on 1 May 2017 and RERD Rules, 2017 came into force on 28.07.2017 which is before the grant of part Occupation Certificate by the Directorate of Town & Country Planning, Haryana on 29.10.2018 for an area measuring 8700.235 sqm. Therefore, Authority observed that the entire area measuring 12.081 acres was required to be registered by the promoter under Section-3 of the RERA Act, 2016.

5. On 21.02.2024 learned counsel Tarun Ranga appeared and informed that the promoter has not yet applied for the registration of the entire area measuring 12.081 acres. The Authority directed the promoter to show cause as to why penalty may not be imposed under Section-59(1) for violating the provisions of Section-3 of the RERD Act, 2016.

6. On 05.06.2024, Adv. Tarun Ranga informed that the promoter has applied for registration of 3.90 acres in compliance of the orders of the Authority dated 18.12.2023. The Authority directed the office to examine the reply and place it before the Authority on the next date of hearing.

7. Vide reply dated 05.06.2024; respondent had just deposited the application fee for registration. The respondent was directed to submit complete application for registration of 3.90 acres after which the same shall be examined by the Authority.
 8. Thereafter, vide reply dated 24.01.2025, the respondent promoter informed that they are submitting the detailed REP application form with all the relevant annexures for registering area of 3.90 acres. However, on perusal, it is noticed that the respondent has enclosed manually filled REP I Part A only. The promoter needs to apply afresh registering the above area of 3.90 acres as a new project. Adv. Venkata Rao further apprised that the respondent company is facing some technical login issue, for this they were directed to contact the office/IT cell for resolving the same.
 9. On 09.04.2025, Adv. Tarun Ranga appeared on behalf of the promoter and informed that they do not have sufficient data for filing the A to H form. Further he stated that an appeal regarding the same has been filed before the Hon'ble Appellate Tribunal i.e. appeal no. 276 of 2025 and 277 of 2025.
 10. On 13.08.2025, Adv. Tarun Ranga appearing on behalf of the respondent submitted that Appeal no. 276/2025 and 277/2025 have already been filed before the Hon'ble Appellate Tribunal and the same are yet to be listed. He further submitted that data is available only in respect of area measuring 12.081 acres, and no specific data is available of 3.90 acres.
- In view of the above, Authority directed the respondent promoter to submit the hard copy of Form A to H in respect of area measuring 12.081 acres in the registry of Authority, before the next date of hearing.
11. On 12.11.2025, Adv. Tarun Ranga appeared on behalf of the respondent and submitted that they have filed an appeal against the last order of the Authority before the Hon'ble Appellate Tribunal which is listed on 13.11.2025. After consideration the Authority directed the respondent to submit copy of last orders of the Hon'ble Appellate Tribunal.
 12. On 04.02.2026, Adv. Tarun Ranga appeared on behalf of the respondent and submitted that the appeal filed by them bearing Appeal No. 277 of 2025 is listed for hearing today in Haryana Real Estate Appellate Tribunal. After consideration, the Authority decided that as per the M/s Newtech Promoters and Developers Pvt. Ltd. v. State of U.P. (2021) all the projects that had not received a completion certificate (CC) before the commencement of the RERA Act, 2016 are ongoing projects and are required to be registered. Since the promoter has not obtained the completion of the present project measuring 4 acres, therefore the respondent needs to get the same registered.



13. Today, Adv. Tarun Ranga, learned counsel appearing on behalf of the promoter/respondent, appeared before the Authority and submitted that Appeal No. 277 of 2025 filed against the order dated 04.12.2024 whereby the authority directed to get the entire project registered is presently pending consideration before the Hon'ble Haryana Real Estate Appellate Tribunal and is listed for hearing on 23.07.2026. He further submitted that no stay has been granted by the Hon'ble Appellate Tribunal in the said appeal.

The Authority after considering the submissions advanced by the learned counsel observed that although the Real Estate (Regulation and Development) Act, 2016 does not specifically define the expression "ongoing project", Section 3(1) of the Act unequivocally mandates that every real estate project which was ongoing on the date of commencement of the Act and for which a Completion Certificate had not been obtained shall be registered with the Authority. The relevant part of the section is reproduced as under:

"Section 3. Prior registration of real estate project with Real Estate Regulatory Authority.—(1) No promoter shall advertise, market, book, sell or offer for sale, or invite persons to purchase in any manner any plot, apartment or building, as the case may be, in any real estate project or part of it, in any planning area, without registering the real estate project with the Real Estate Regulatory Authority established under this Act:

Provided that projects that are ongoing on the date of commencement of this Act and for which the completion certificate has not been issued, the promoter shall make an application to the Authority for registration of the said project within a period of three months from the date of commencement of this Act:"

As per rule 2. (1) (o) of the RERA Rules, 2017 "on going project" means a project for which a license was issued for the development under the Haryana Development and Regulation of Urban Area Act, 1975 on or before the 1st May, 2017 and where development works were yet to be completed on the said date, but does not include:

- (i) any project for which after completion of development works, an application under Rule 16 of the Haryana Development and Regulation of Urban Area Rules, 1976 or under sub code 4.10 of the Haryana Building Code 2017, as the case may be, is made to the Competent Authority on or before publication of these rules and
- (ii) that part of any project for which part completion/completion, occupation certificate or part occupation certificate

The Authority is of the considered view that the provisions of the Rules are subordinate legislation and must operate within the framework of the parent statute. The provisions of Rule 2(1) (o) of the RERD Rules, 2017 are required to be interpreted harmoniously with Section 3(1) of the Act and cannot be construed in a manner so as to defeat or restrict the legislative mandate contained therein.

The Authority further notes that the legal position regarding the registration of ongoing projects stands conclusively settled by the judgment of the Hon'ble Supreme Court in M/s Newtech Promoters and Developers Pvt. Ltd. v. State of U.P., wherein it has been held that all projects which had not obtained a Completion Certificate prior to the commencement of the Act are liable to be treated as ongoing projects and are consequently required to be registered under the provisions of the Act.

Accordingly, the Authority directs the promoter/respondent to apply for and obtain registration of the project admeasuring 4 acres within a period of sixty days from the date of this order failing which penal action will be taken against the respondent U/s 59 of the RERD Act, 2017 for non-registration of the above mentioned project under Section 3 of the Act.

15. Disposed Of.



Chander Shekhar
Member



Dr. Geeta Rathee Singh
Member



Parneet S Sachdev
Chairman
