



## HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

### COMPLAINT NO. 1925 of 2022

HRERA, Panchkula

...COMPLAINANT

VERSUS

Sunrays Infrastructure Private Limited.

....RESPONDENT

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

**Date of Hearing:** 11.03.2026

**Hearing:** 15<sup>th</sup>

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

#### **ORDER (Parneet S Sachdev-Chairman)**

In the captioned Suo motu complaint, the Authority vide its order dated 13.11.2024 had imposed penalty of ₹62,18,000/- 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 27.01.2026 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 the submissions as under:



a. Show Cause Notice failed to clearly specify the consequences that would flow from the non-compliance with the direction of the Authority.

b. 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, Sunrays Infrastructure Pvt Ltd, undertook to develop the real estate project namely "Efaq Plaza", a Commercial Colony situated in Sector -79, Village Badoli, District Faridabad and got the same registered with the Authority under Section 5 of the RERD Act, 2016 vide Registration No. 264 of 2017 dated 03.10.2017 valid upto 02.12.2020. Thereafter, on 26.04.2021 vide Item No. 136.14, the name of project was changed to "RPlaza 79". 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 17.08.2022 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 (India Post Consignment No. RH582444656IN) and was also sent via e-mail which was successfully delivered on 02.09.2022. 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 12.12.2022 (i.e., almost after 3 months of service of notice to respondent) wherein, learned counsel Sh. Shobit Phutela appeared and requested for a short adjournment to upload quarterly progress reports 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 2<sup>nd</sup> 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 13.01.2023.

7. Thereafter, the matter again came up for hearing on 20.03.2023 (i.e., after around 3 months), learned counsel Sh. Shobit Phutela appeared on the said date. The respondent did not file online QPRs, 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 20.03.2023 till the quarterly progress reports are uploaded online. Thereafter, the matter was heard on 26.07.2023 wherein no one represented and penalty of Rs 1000/- per day continued since the QPRs were not filed.

8. Thereafter, on the hearing dated 18.12.2023, no one represented the respondent. Further, since the quarterly progress reports were not filed, the penalty of Rs 1000/- day was increased to Rs 10,000/- day. It was also directed that the copy of order dated 18.12.2023 be sent to the respondent through registered post and e-mail. The copy of order dated 18.02.2023 was successfully delivered at the registered address of the respondent on 30.03.2023 and also delivered via email on 27.03.2024.



9. On 03.04.2024, despite service of the said order via registered post and e-mail and appearance of the counsel on 12.12.2022 and 20.03.2023, the respondent failed to upload online quarterly progress reports. Keeping in view the persistent non-compliance on behalf of the respondent, the penalty of Rs. 10,000/- day was enhanced to Rs. 25,000/-.

10. On 03.07.2024, i.e., almost after 2 years of issuance of show cause notice, the Authority observed that the respondent has failed to comply with the orders of the Authority despite several opportunities. The Authority directed that Directors/one of the Director of the Company to appear personally on the next date of hearing. The respondent was directed to deposit cumulative penalty from 20.03.2023 till 03.07.2024 which came out to Rs. 36,43,000/-. The copy of the order was delivered via email on 22.08.2024 and was duly uploaded on the web portal of the Authority on 30.07.2024.

11. Thereafter, on 11.09.2024, the Director of the Respondent Company did not appear. However, learned counsel for the Promoter appeared and informed that the promoter is in process of filing the quarterly progress reports. Since, no valid reason for non-appearance of the Directors/one of the Directors was informed by the learned counsel. Therefore, the Authority imposed a cost of Rs. 1 Lac on the Promoter for non-appearance of the Director. The respondent was directed to deposit cumulative penalty from 20.03.2023 till 11.09.2024 which came out to Rs. 53,93,000/-. The order was duly uploaded on the web portal of the Authority on 16.10.2024.

12. Despite uploading of the said order on the web portal and appearance of the counsel, the respondent failed to deposit the cost and the said penalty amount. However, the respondent uploaded quarterly progress reports upto 31.03.2024 on

15.10.2024. The Authority directed the Promoter to deposit penalty upto 15.10.2024 which worked out to Rs. 62,18,000/- along with cost of Rs. 1 lac before the next date of hearing.

13. Thereafter on 15.01.2025, last opportunity was granted to the promoter to deposit the said penalty and cost failing which interest at the rate prescribed as per Rule 15 of the Haryana Real Estate (Regulation and Development) Rules, 2017 (hereinafter referred as HRERA Rules, 2017) shall be imposed. Later on, 26.03.2025, since, the promoter had not deposited the said cumulative penalty and cost, the Authority imposed interest as per HRERA Rules, 2017.

14. The Authority has carefully considered the submissions advanced by the respondent and examined the material on record. With regard to the first contention of counsel for the respondent that Show Cause Notice failed to clearly specify the consequences that would flow from the non-compliance with the direction of the Authority. In the show cause notice dated 17.08.2022, the promoter was directed to submit online quarterly progress reports upto 2<sup>nd</sup> quarter of the year 2022 within a period of 30 days on the website of the Authority failing which the promoter will be liable for penal action under Section-63 of the RERD Act,2016. Hence, the show cause notice which was successfully delivered via registered post and email of the respondent clearly specifies the consequence of non-filing of the quarterly progress reports. Subsequent to that, when the matter was heard on 12.12.2022, acceding the request of the learned counsel for short adjournment, the Authority granted one last opportunity to the promoter and again granted a period of 30 days to submit quarterly progress reports. It was also specifically mentioned in the said order that in case of non-compliance of the directions of the Authority within the stipulated time, the order shall be deemed as a show cause under Section-63 of the RERD Act, 2016. Later, on 20.03.2023, due to failure to upload quarterly progress

reports, the Authority took a lenient view and imposed penalty of only Rs. 1000/- per day. On 18.12.2023 i.e., after an year, despite of appearance of the counsel in the first two hearing, service of subsequent orders via registered post and email and several opportunities, the Authority was constrained to enhance the penalty from Rs. 1000/- day to Rs. 10,000/- day. Thereafter, almost after one year, on 03.04.2024, the Authority decided to enhance the penalty from Rs. 10,000/- day to Rs. 25,000/- day due to persistent non-compliance of the directions of the Authority. It is pertinent to mention here that on the hearing dated 13.11.2024, which was held after more than one and a half after issuance of notice and plenty of opportunities granted in the interest of justice, it came to the notice of the Authority that the respondent has uploaded quarterly progress reports on 15.10.2024. It is observed that the Promoter did not even submit a reply to the Authority after uploading of the quarterly progress reports. The Promoter was directed to deposit penalty of Rs. 62,18,000/- along with cost of Rs. 1 lac imposed on 11.09.2024. 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 26.03.2025. 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.

15. 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 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 are different/distinct from the Sharda Achar's case.

16. 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.

17. 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 amounts to ₹62,18,000/-.
  2. The respondent is further directed to deposit the said penalty amount along with interest and cost of Rs. 1 lac within a period of **90 days** from the date of uploading 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.
18. 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