HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 2258 of 2022

HRERA, Panchkula

...COMPLAINANT

VERSUS

HSVP, Rohtak

...RESPONDENT

CORAM: **Nadim Akhtar** **Member**
Dr. Geeta Rathee Singh **Member**
Chander Shekhar **Member**

Date of Hearing: 16.09.2026
Hearing: 14th
Present: Adv. Tarun Ranga on behalf of the promoter.

ORDER (Nadim Akhtar -Member)

This suo-motu complaint was registered against the respondent for not uploading quarterly progress reports of project registered vide Registration No. HRERA-PKL-ROH-250-2021 dated 15.07.2021 valid upto 31.12.2024.

2. A show-cause notice was issued on 24.08.2022 for not uploading quarterly progress reports on the web portal of the Authority.

3. On 21.11.2022, Authority decided to grant one last opportunity to the respondent promoter for uploading quarterly progress reports within a period of 30 days failing which penalty of ₹1000/-per day shall be imposed.

4. On 30.01.2023, the Authority observed that the quarterly progress reports have not been uploaded online by the respondent promoter. The Authority therefore imposed a penalty of ₹1000/- per day till the quarterly progress reports are uploaded online.

5. On 01.05.2023, 05.07.2023 and 04.09.2023 Authority directed respondent to file quarterly progress reports and penalty of ₹1000/- per day continue till the quarterly progress reports are uploaded online.

6. On 24.01.2024, the Authority observed that the respondent promoter is not complying with the orders of the Authority, so, directed to show cause as to why penalty U/s 61 read with Section 63 & 60 be not imposed for contravention of the provisions of the Act and not complying with the orders of the Authority. It was further made clear that penalty of ₹10,000/- day from 24.01.2024 shall continue till the quarterly progress reports are filed online by the promoter.

7. On 15.05.2024,the Authority was of the view that current status of the registered site along with the other necessary documents and information has to be uploaded on the web portal of Authority by way of quarterly progress reports. The respondents were directed to submit online quarterly reports along with cumulative penalty from 30.01.2023 till 08.05.2024 amounting to ₹14,20,000/-. It was further made clear that if the above orders of Authority not complied by the respondents, then the penalty of ₹10,000 shall be increased to₹. 25,000/- per day. The office was directed to send a copy of this order to the respondent via mail and registered post.

8. On 14.08.2024 counsel Sh. Tarun Ranga appeared and informed that they informed that they are filing application for grant of Moratorium in all Suo-motu complaints and project cases qua HSVP sectors under HRERA Act, 2016 in the registry of the Authority. The Authority directed the office to place the same before the Authority on the next deposited date of hearing i.e.13.11.2024. Cumulative Penalty till 14.08.2024 amounting to₹38.70 Lakhs be in the registry of the Authority before the next date of hearing i.e.13.11.2024.

9. On 13.11.2024, the Authority observed that the Promoter has uploaded QPRs upto March 2024 on 14.08.2024. The Authority vide its orders dated 09.10.2024 under Item No. 266.05 has decided not to take coercive action till a period of six months or till any directions are received from the Government, whichever is earlier. For ready reference, order dated 09.10.2024 under item no. 266.05 is reproduced below:

> *"5. Thus, HSVP is squarely covered under above definition of promoter is a promoter. Taking a lenient view, Authority will not to take coercive actions till a period of six months is over or any directions are received from the Government, whichever is earlier. It is hereby made clear that no relaxation is being given by the Authority in its earlier decisions/ orders already pronounced and uploaded on its website, HSVP is very much bound to comply with the same. However, all the proceedings of registration etc. will be fixed after 14.02.2025 or till HSVP gets the matter clarified from government, whichever is earlier."*

10. On 13.11.2024, last opportunity is granted to the Promoter to deposit the the next said penalty of ₹38.70 Lakhs in the registry of the Authority before date of hearing i.e. 26.02.2025.

11. On 12.03.2025, Adv. Neeraj Goel appeared on behalf of the respondent and requested for some more time to comply with the orders of the Authority. He

further informed that advice in this regard is being sought from AG, Haryana. However, no reference in this regard was placed before the Authority. The Authority granted another opportunity to the respondent to comply with the above orders failing which RERA rate of Interest as per Rule 15 of the RERA Rules, 2017 shall be imposed.

12. On 28.05.2025, Adv. Tarun Ranga appearing on behalf of the respondent requested the Authority that RERA Rate of Interest as per Rule 15 of the RERA Rules, 2017 may not be imposed on the respondent since they have filed an application dated 27.05.2025 requesting extension of period for moratorium stating that an application has been sent to Ministry of Housing and Urban Affairs seeking clarification of applicability of RERA Act on Statutory bodies such as HSVP and a reply is awaited and they are also in the process of filing in SLP in the Hon'ble Supreme Court against the orders passed in CWP 4760 of 2020 titled Anil Kumar Yadav and other V. State of Punjab & Haryana High Court. Further, since respondent is Government organization and getting approval through proper channel takes time, therefore, Adv. Tarun Ranga requested that a moratorium of at least nine months may be granted and this period may be treated as zero period for the purposes of penalty and interest thereon. Acceding to the request of counsel, the matter was adjourned to 03.12.2025.

13. On 03.12.2025, Adv. Tarun Ranga appeared on behalf of HSVP and submitted that HSVP has filed a Special Leave Petition (SLP) before the Hon'ble Supreme Court of India vide Diary No. 63782/2025 against the order passed in CWP No. 4760 of 2020 titled Anil Kumar Yadav V/s State of Punjab by the Hon'ble High Court of Punjab and Haryana seeking authoritative clarification on the applicability of RERA Act, 2016 to statutory authorities, including the question of whether statutory development authorities fall within the definition of

"Promoter" under Section 2(zk) of the Act. Since the issue is sub-judice and clarification from the Ministry of Housing and Urban Affairs is awaited, it is prayed that no adverse or coercive action be taken against HSVP until the Supreme Court decides the matter and also requested that the moratorium earlier granted may be extended. A copy of request for extension of Moratorium in matters pertaining to SuoMotu Complaints and Project- related proceedings concerning HSVP sector on the ground of filing of SLP before the Hon'ble Supreme court issued by HSVP dated 03/12/25 was also submitted during the course of hearing by the counsel.

14. On the last date of hearing, i.e. 29.07.2026, the Authority observed that no correspondence has been received from HSVP after 03.12.2025. After perusal of records, it is found that the Special Leave Petition (Civil) bearing diary no 63782/2025 filed by the promoter against the order passed in CWP No. 4760 of 2020 titled Anil Kumar Yadav V/s State of Punjab stands dismissed vide order dated 09.02.2026 passed by Hon'ble Supreme Court. The Authority after consideration directed the promoter to deposit cumulative penalty amounting to ₹ 38.70 lakh before the next date of hearing.

15. Today, upon examination of the official record, it is observed that the respondent has failed to comply with the preceding orders of the Authority even after grant of adequate opportunities. Hence the Authority in exercise of its mandate under Section 37 read with Section 34(f) of the RERD Act, 2016 hereby directs the respondent to deposit the penalty amount of ₹ 38.70 lakh within a period of 90 days of uploading of this order, failing which legal consequences shall follow.

16. **Disposed of.** File be consigned to record room after uploading of these orders.

Chander Shekhar
Member

Dr. Geeta Rathee Singh
Member

Nadim Akhtar
Member