HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 2251 of 2022

HRERA, Panchkula

...COMPLAINANT

VERSUS

E.O, HSVP, Bhiwani

....RESPONDENT

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

Date of Hearing: 16.09.2026
Hearing: 10th
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-BWN-70-2018 dated 21.11.2018 valid upto 31.03.2019.

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

2. On 10.04.2023, 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.

3. On 31.01.2024, 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.

4. On 08.05.2024, learned counsel Sh. Tarun Ranga appeared and informed that the QPRs upto 31.03.2024 have been uploaded online on the web portal of the Authority. The promoter sought time to deposit the penalty imposed on 31.01.2024. The Authority observed that the promoter has duly uploaded QPRs upto 31.03.2024 on 26.04.2024. The cumulative penalty of ₹1000/- per day imposed on 31.01.2024 till 25.04.2024 works out to ₹ 86,000/-. The Promoter was directed to deposit the said penalty in the registry of the Authority before the next date of hearing.

5. On 28.08.2024, learned counsel Sh. Tarun Ranga appeared and informed that a request letter for grant of Moratorium in all Suo-Motu Complaints and Project cases of HSVP has been submitted in the Authority on 14.08.2024. Learned Counsel Sh. Tarun Ranga further requested to adjourn the matter till the decision regarding the request for grant of Moratorium is taken by the Hon'ble Authority. Acceeding to the request of the Promoter, Authority decided to adjourn the matter.

6. On 18.12.2024, learned counsel Sh. Tarun Ranga appeared and requested for an adjournment in lieu of order dated 09.10.2024 under item no. 266.05 passed by the Authority. 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."

He further apprised that a reference in this regard has been sent to the Government. He further requested to adjourn the matters till any directions are received from the Government. The Authority directed the counsel to submit a copy of the reference sent to the Government and with the directions to deposit the penalty imposed earlier vide order dated 31.01.2024 (which works out to ₹ 86,000) in the registry of the Authority before the next date of hearing.

7. On 05.03.2025, Adv. Tarun Ranga appeared and requested 10 days time for filing the copy of the reference sent to the Government. After consideration, the Authority decided that a copy of the reference sent to the government and penalty of ₹ 86,000/- imposed earlier vide order dated 31.01.2024 be deposited in the registry of the Authority before the next date of hearing.

8. On 14.05.2025, 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.

9. 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 Suo Motu 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.

10. 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 ₹ 86,000/- before the next date of hearing.

11. 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 ₹ 86,000/- within a period of 90 days of uploading of this order, failing which legal consequences shall follow.

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

Chander Shekhar Member	Dr. Geeta Rathee Singh Member	Nadim Akhtar Member