HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 147 OF 2023

HRERA, Panchkula .... COMPLAINANT

VERSUS

Choice Real Estate Developers Pvt. Ltd. ....RESPONDENT

CORAM: **Nadim Akhtar** **Member**

Dr. Geeta Rathee Singh **Member**

Date of Hearing: 30.09.2026
Hearing: 14th
Present: Adv. Tarun Ranga on behalf of respondent

ORDER:Nadim Akhtar (Member)

1. The present Suo-Motu complaint was registered against the respondent promoter u/s 35 of the RERA Act, 2016 to monitor the progress made after the grant of second extension on 9th February, 2022 relating to the registration of project. A show-cause notice dated 16.01.2023 was issued to the promoter for explaining whether any development works have been executed between the 2nd extension granted from 31.03.2021 to December 2022 and the application for grant for 3rd extension submitted on 05.12.2022 in the project. namely; "VipulPratham Apartments"- Group Housing Colony on land measuring 6.369 acres forming part of a larger colony measuring 9.60 acres.

2. On 07.08.2024, the promoter was directed to submit detailed report regarding services laid down, percentage & cost of work completed. The promoter should inform as how much work has been done in the last quarter with supporting photographs, total units sold/unsold in the project. The Promoter should also submit an undertaking that they have complied with the provisions of Section 4(2)(1)D of RERA Act, 2016 which states that 70% of the amount realized from the allotees,

from time to time, shall be deposited in a separate account to be maintained in a scheduled bank as mentioned in REP-1.

3. Vide reply dated 07.08.2024, 09.10.24 and 09.12.2024, the promoter had submitted Tower wise and Floor wise Work in progress Status as on 31.07.24, 30.09.2024 and 30.11.2024 respectively alongwith photographs of the project, however no conclusion can be drawn from the status report.

4. Ld. CTP visited the site on 20th Dec and 30th Dec, 24. The Report is as follows:

> *"No construction was being taken at site either on 20th Dec, 2024 or 30th Dec, 2024. The reasoning given by the Promoter for 20th Dec, 2024 was the imposition of GRAP-IV from 16.12.2024 to 23.12.2024. However, subsequently no restriction of GRAP was imposed by the Commission for Air Quality Management in National Capital Region and Adjoining Areas. If the promoter is serious in completing the project, Type A Block-I could be completed within the next 6 months and the remaining blocks and Sewerage Treatment Plant with in the next one year. It is also mentioned here that out of total 253 general category units and 129 EWS and Service Personnel units, 52 are still unsold."*

5. On 19.02.2025, after considering the LC report, the Authority decided that the promoter, Sh. PuneetBeriwal, be personally present on the next date of hearing. The promoter should submit a progress report of the 1st quarter of 2025 latest by 30th April 2025 along with photographs and relevant certificates. Further, the promoter (as committed earlier) should submit an affidavit stating that they will complete the project and obtain OC by November, 2025 failing which penalty amounting to 1% of the cost of the project shall be imposed. As directed in the orders dated 07.08.2024, promoter should also submit the said affidavit before the next date of hearing.

6. Vide letter dated 26.03.2025 (also placed in the extension agenda proceedings), the promoter has submitted Quarterly report of physical and financial status of the project for quarter ending 31.12.2024 which is reproduced below; however, no reply has been received regarding orders dated 19.02.2025.

Description	Cumulative Progress as on 31.12.2024
Details of amount received fr the sale of flats	38.76 cr.
Details of amount	2.63 cr.

7. Status as on 31.12.2024, for internal and external development works in respect of the entire registered phase:

Internal roads and footpaths 5%
Sewerage (Chamber, lines) 1%
Storm Water drains 2%
Landscaping & Tree planting 0%
Building block 70%
Boundary wall/gate 80%
Treatment and disposal of sewerage and sullage water 2%
Water supply (domestic) 30%
External electrification/lighting 10%

8. On 07.05.2025, Sh. Punit Beriwal, director of the company, appeared through VC and requested the Authority to waive of his physical presence as he is currently not in India. He informed that due to financial crunch, work at the site is stopped but they are trying to complete the project in time.

9. The Authority observed that the promoter has to file reply to orders dated 19.02.2025 and file an Affidavit as stated above. Furthermore, the promoter is directed to submit bank statements of the escrow account duly certified by CA (from the date promoter started receiving payment from allottees till date) before the next date of hearing.

10. On 26.11.2025, since no one appeared on behalf of the respondent, the Authority again directed the promoter to file reply to orders dated 19.02.2025 and file an Affidavit as stated above. Further, the promoter was directed to submit bank statements ofthe escrow account duly certified by CA (from the date promoter started receiving payment from allottees till date) before the next date of hearing i.e. 11.02.2026.

11. On 11.02.2026, no one appeared on behalf of the respondent. The Authority granted last opportunity to the promoter to file reply to orders dated 19.02.2025 and file an Affidavit failing which the Authority shall impose penalty amounting to ₹ 76,07,000/- i.e. 1% of the cost of the project under Section-61 of the Haryana Real Estate and Regulatory Authority Act, 2016. Further, the promoter is directed to submit bank statements of the escrow account duly certified by CA (from the date promoter started receiving payment from allottees till date) before the next date of hearing. No one appeared on behalf of the respondent-promoter.

12. This Authority has afforded the respondent-promoter exhaustive opportunities to comply with its directions over a prolonged period spanning 2024, 2025, and 2026. Despite multiple extensions and specific orders, the respondent has continuously failed to:

a. File the required affidavit undertaking the execution and timely completion of the project;

b. Submit CA-certified bank statements for the separate RERA Escrow Account, thereby creating a strong presumption of diversion of allottee funds in direct violation of Section 4(2)(l)(D) of the Act;

c. Resume physical construction at the project site;

The persistent non-compliance and abandonment of the project squarely attract the penal provisions under Sections 60, 61, and 63 of the Act.

13. In view of the foregoing findings and exercising the powers vested in this Authority under Sections 37, 38, 60, 61, and 63 of the Real Estate (Regulation and Development) Act, 2016, the office is directed to issue a Show-Cause Notice to the respondent-promoter. The promoter be called upon to show cause as to why a penalty of ₹76,07,000/- (calculated at 1% of the estimated project cost) be not imposed under Section 63 for deliberate defiance of this Authority's directions;

14. The office shall ensure due service of the notice upon the promoter via both electronic mail and physical modes. The promoter is directed to submit a detailed written reply 7 days prior to the next date of hearing, failing which this Authority shall proceed ex-parte to pass final orders on the basis of the records available.A

Show cause notice was sent to the promoter through registered post and e-mail on 24.07.2026 which was delivered through e-mail on 24.07.2026.

15. On 29.07.2026, the Authority observed that 30 days had not lapsed since the issuance of the show-cause notice therefore, the Authority granted last opportunity to file reply as per timelines given in the show cause notice dated 24.07.2026 failing which recovery proceedings as per law shall be initiated.

16. Today Adv. Tarun Ranga has appeared on behalf of the promoter and informed that reply has been filed in the registry 28.09.2026.

17. Taking note of above Authority directs the office to examine the reply. Adjourned to **25.11.2026.**

Dr.Geeta Rathee Singh
Member

NadimAkhtar
Member