HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. (Suo-Motu) 1951 of 2024

HRERA, Panchkula ... COMPLAINANT

VERSUS

DLF Homes Panchkula Pvt. Ltd. RESPONDENT

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

Date of Hearing: 30.09.2026

Hearing: 9th

Present: Sh. Manpreet Wahi alongwith Sh. Vikram on behalf of respondent.

ORDER (Nadim Akhtar-Member)

The present Suo-Motu complaint was registered against the respondent promoter of project "The Valley Central" on 10.12.2024 to get the entire project measuring 175.593 acres registered in view of the Hon'ble Supreme Court judgement dated 11.11.2021 passed in M/s Newtech Promoters and Developers Pvt. Ltd. v/s State of UP and others since Part completion of the project has been obtained.

2. Accordingly, a show-cause notice dated 10.12.2024 was issued to the promoter.

3. The matter was listed for 29.10.2025, Adv. Abhinandan Jarial and Adv. Vansh Vohra appeared and requested for short adjournment. They also submitted that they will file the reply in the Authority during course of the day. Respondent filed the reply on the same day and the same was examined by the project branch.
4. Authority on 28.01.2026 was of the view that reply dated 29.10.2025 filed by the respondent is not satisfactory as the promoter has to get the complete project admeasuring 175.593 acres registered with the Authority till the time completion certificate has been granted by DTCP, Haryana. Sh. Vinod Kumar appearing on behalf of respondent informed that Sh. Rajiv Anand, Senior Advocate is occupied in some other matter in Hon'ble High Court, therefore requested for an adjournment to explain their stand.
5. On 08.04.2026, representatives appearing on behalf of respondent apprised that Sh. Rajiv Anand who earlier used to represent in this case has been designated as Senior Advocate and therefore the company is in process of engaging some other advocate. Therefore, they requested for a short adjournment.
6. Thereafter, on 22.07.2026 also, Adv. Aryana Singh informed that they shall file the power of attorney within a week and requested to adjourn the matter.
7. On the last date of hearing i.e., 02.09.2026, Vakalatnama of Adv. Aryan Singh has been filed in the registry and Sh. Rohit Sharma appearing on behalf of respondent promoter informed that the area of 175.593 acres covers License No. 11 of 2010 measuring 118.562 acres and License No. 114 of 2011 measuring 57.031 acres both in Sectors 2 & 3, Pinjore Kalka Urban Complex, Panchkula. [118.562 + 57.031 acres = 175.593 acres]. 159.759 acres is covered under exemption to Rule 2[1][o] read with Rule 4 [5] while remaining [175.593-159.759] i.e., 15.833 acres forms entire area of License No. 141 of 2023 is registered vide RC HRERA-PKL-PKL-524-2023 dated 06.12.2023.

8. He therefore requested that the entire area of the residential plotted colony, post-migration, i.e., 159.759 acres, has been granted Part Completion Certificates and the project is not required to be registered as per the provisions of Section 3(1) of the RERA Act, 2016 and the show cause notice be withdrawn in the interest of justice. In view of the above submissions, Sh. Rohit Sharma informed they will also file written submissions with the regard to the above contentions, shortly.

9. Thereafter, on 02.09.2026, Vakalatnama of Adv. Aryan Singh was filed in the registry and vide reply dated 07.09.2026, respondent promoter made the following submissions: -

License No. 11 of 2010	For development of Residential Plotted Colony over an area measuring 118.562 acres
License No. 114 of 2011	For development of Residential Plotted Colony over an area measuring 57.031 acres
License No. 20 of 2022	For development of Residential Plotted Colony over an area measuring 34.01 acres [fully migrated from - License No. 22 of 2010 dated 23.03.2010] Area of this License measuring 34.01 acres [+ 0.21875 acres of License No. 82 of 2022 – TOTAL= 34.229 Acres] is registered vide RC HRERA-PKL-PKL-339-2022 dated 22.08.2022
License No. 141 of 2023	For development of Group Housing colony under New Integrated Licensing Policy over an area measuring 15.833 acres, through migration from the aforesaid License No. 11 of 2010 and License No. 114 of 2011. Entire area of this License No. 141 / 2023 measuring 15.833 acres is registered vide RC HRERA-PKL-PKL-524-2023 dated 06.12.2023 Post-migration, the remaining area of development of Residential Plotted Colony under License No. 11 of 2010 and License No. 114 of 2011 stands at 159.759 acres.
17.07.2017	Part Completion Certificate for 75.00 acres area out of License No. 11 of 2010.
05.02.2018	Part Completion Certificate for 57.031 acres entire area of License No. 114 of 2011
23.08.2018	Part Completion Certificate for 27.728 acres area out of License No. 11 of 2010.

	License No. 11 of 2010 Remaining area of License No. 11 of 2010, 15.833 acres was migrated and was granted License No. 141 of 2023 dated 10.07.2023 [75 acres PCC + 27.728 acres PCC + 15.833 acres = 118.562 acres]

License No. 11 of 2010 measuring 118.562 acres and License No. 114 of 2011 measuring 57.031 acres both in Sectors 2 & 3, Pinjore Kalka Urban Complex, Panchkula were issued to the promoter. [118.562 + 57.031 acres = 175.593 acres]. Out of above, License No. 141 of 2023 dated 10.07.2023 [issued upon migration] was granted for development of Group Housing colony under New Integrated Licensing Policy (NILP) over an area measuring 15.833 acres, through migration from the aforesaid License No. 11 of 2010 and License No. 114 of 2011.

Entire area of this License No. 141 of 2023 measuring 15.833 acres is registered with the Authority vide RC HRERA-PKL-PKL-524-2023 dated 06.12.2023. Post-migration, the remaining area of development of Residential Plotted Colony under License No. 11 of 2010 and License No. 114 of 2011 stands at 159.759 acres. The respondent further made the following submissions: -

a. **Notice issued ignoring the provisions of RERA Act & Haryana Rules 2017**

As per the definition of "Ongoing Project" under Rule 2[1][o] Haryana Real Estate (Regulation & Development) Rules, 2017, all projects are ongoing projects for which licenses were issued for development under 1975 Act on or before 01.05.2017 (i.e. date of commencement of Real Estate (Regulation & Development) Act, 2016 and where development works were yet to be completed on 01.05.2017. The definition of "Ongoing Project" under Rule 2(1)(o) is made subject to the exceptions given under clause (i) and (ii) qualified by "but does not include": -

a) *any project for which after completion of development works, an application has been made for Completion Certificate under 1976 Rules OR for Occupation Certificate under sub code 4.10 of the Haryana Building Code 2017 on or before 28.07.2017 (i.e., date of publication of the Rules);*

b) *Part of any project for which part completion / completion, occupation certificate or part thereof has been granted on or before 28.07.2017.*

Further Rule 4(5) of the Real Estate [Regulation & Development] Rules, 2017 further confirms the intention of the legislature that those projects, where the application for grant of completion / occupancy certificate or part thereof was made on or before publication of the Haryana 2017 RERA Rules and are pending consideration with the relevant authority, will not be considered as an ongoing project and as such does not require registration under the provisions of Section 3 of Real Estate [Regulation & Development] Act, 2016.

The area of 175.593 acres covers License No. 11 of 2010 measuring 118.562 acres and License No. 114 of 2011 measuring 57.031 acres both in Sectors 2 & 3, Pinjore Kalka Urban Complex, Panchkula. [118.562 + 57.031 acres = 175.593 acres]. 159.759 acres is covered under exemption to Rule 2[1][o] read with Rule 4 [5] while remaining [175.593-159.759] i.e., 15.833 acres forms entire area of License No. 141 of 2023 is registered vide RC HRERA-PKL-PKL-524-2023 dated 06.12.2023.

The case of aforesaid licenses falls in the afore-stated exclusions and is thus not an "ongoing project" based on the information submitted above and as such there is no violation of the provision of Section 3 of Real Estate (Regulation & Development) Act. 2016 and rules made thereunder.

b. Foundation / basis of Suo-Moto Complaint no. RERA-PKL-1951-2024 issued vide memo dated 10.12.2024 was observations in Judgment dated 11.11.2021 in "M/S NEWTECH PROMOTORS & DEVELOPERS (P) LTD. VS. STATE OF UP"

The judgment dated 11.11.2021 in case titled "M/s Newtech Promotors & Developers (P) Ltd vs. State of UP" reported as 2021 SCC online SC 1044, passed by Hon'ble Supreme Court referred to RERA Act, 2016 and the UP RERA Rules 2016. Under Para 54 of the reported judgment, it provides as under: -

> ***54.*** *From the scheme of the Act 2016, its application is retroactive in character and it can safely be observed that the projects already completed or to which the completion certificate has been granted are not under its fold and therefore, vested or accrued rights, if any, in no manner are affected. At the same time, it will apply after getting the on - going projects and future projects registered under Section 3 to prospectively follow the mandate of the Act 2016."*

The above is to be seen in context of definition of "Completion Certificate" Section 2 [q] given in RERA Act 2016

(q) "completion certificate" means the completion certificate, or such other certificate, by whatever name called, issued by the competent authority certifying that the real estate project has been developed according to the sanctioned plan, layout plan and specifications, as approved by the competent authority under the local laws;

Under Rule 16 of 1976 Rules, the completion / Part completion Certificate is issued towards the completion of the development activity in the Colony / part thereof. The Real Estate Project by virtue of Section-3 Explanation is and includes phases and each phase is a stand-alone real Estate Project for the purpose of the Section.

17.07.2017	Part Completion Certificate dated 17.07.2017 for 75.00 acres area out of License No. 11 of 2010.
05.02.2018	Part Completion Certificate dated 05.02.2018 for 57.031 acres entire area of License No. 114 of 2011
23.08.2018	Part Completion Certificate dated 23.08.2018 for 27.728 acres area out of License No. 11 of 2010.

Therefore, it will be treated as having complied the conditions of completion under the local laws and are approved by the competent authority thus complies the condition under Section 2[q] of RERA Act 2016 as also under Para 54 of reported Newtech judgment.

The issue in this regard, has been clarified in amendment of The Haryana Development and Regulation of Urban Areas (Amendment) Act, 2024 dated 18.12.2024 mentioning that the projects that have been granted Part Completion Certificate (PCC) shall be deemed to have obtained a Completion Certificate.

The said amendment is reproduced below:

After sub-section (7) of Section 3 of the principal Act [Haryana Development & Regulation of Urban Areas Act, 1975], the following sub-section inserted, namely: -

"(8) Notwithstanding anything contained in sub-section (6) and (7) above, in cases where the colonizer has either obtained occupation certificate for all the building blocks in case of other than plotted colonies or where part completion certificate for the entire colony has been obtained in case of

plotted colonies, no further scrutiny for the purpose of grant of completion certificate shall be necessary and such completion certificate may be issued upon payment of applicable infrastructure augmentation charges."

The grant of 3 Partial Completion Certificates, as submitted above, covers the entire land parcel of 159.759 acres. Since the entire project has been completed in all respects, no allotment, sale, booking etc. is left to be carried out.

c. **HRERA orders post Newtech Judgement**

The complete internal infrastructure was completed at site and the possession of Plots / Independent Floors have been handed over on the area granted Part Completion Certificate. Before commencing the construction of 8 SCOs in its commercial site measuring 0.72 acres, forming part of total area measuring 2.11 acres namely "The Valley Central", DLF Homes Panchkula Pvt. Ltd. obtained Registration Certificate from the Authority and while considering the application of DLF Homes Panchkula Private Limited for registration of the project opined that the plotted colony of 75 acres which includes 2.11 acres commercial pocket has already received Part Completion Certificate as such the purpose of registration of a project is to ensure that project is completed in accordance with the plans approved and services are laid as per approved plan estimates and as such the project need not be registered with the authority. The relevant Para No. 3 of Item No. 157.11 of Extract of the resolution passed by the Haryana Real Estate Regulatory Authority, Panchkula in its meeting held on **15.11.2021** is reproduced herein below:

"3. The Authority after consideration decides that the project need not be registered with the Authority as it has already received part completion certificate from the State Government. However, applicant promotor shall ensure that while selling plots they will execute agreements with the prospective buyers in the standard agreement format provided in the Haryana Real Estate (Regulations and Development) Rules, 2017. Further, the promoter shall be bound by terms of agreements to be executed with prospective buyers. If buyers of the project have any grievances against the promoter on a future date, they may approach this Authority for redressal of those grievances."

The above clearly establishes the bonafide intent of Colonizer as promoter/ Developer to adhere to all Rules and Regulations concerning the project.

d. **RERA Act supplemented by Haryana RERA RULES 2017**

The area for which Part Completion certificate is received has been completed, the issuance of Show Cause Notice dated 10.12.2024 is purely based on an incorrect interpretation of the central legislation on this subject namely, Section 3 of the Act of 2016, & Rule 4, Haryana Rules of 2017 that were framed by the State Legislature keeping in view the peculiarities of the development of land in the State of Haryana, especially Gurugram. The harmonious construction of the Act of 2016 read with the Rules of 2017 is essential and also mandated by Section 88 of the Act of 2016. Purposeful interpretation of Section 3, Act of 2016 and Rule 4, Haryana Rules of 2017, affects all the real estate developments, which stand substantially completed prior to the enacting of the Act of 2016 and for which due approvals were sought pursuant to the local law at the time being in force. The completed Projects cannot be erroneously deemed to be an "ongoing project" within the meaning of the Act of 2016 read with the Rules of 2017. He submitted that once the Legislature confers rule-making authority and Rules are duly notified, the Authority constituted under the Act is bound to act strictly within the four corners of the Act read with such Rules and cannot ignore, dilute, supplement, relax or supplant the same on subjective notions of equity, administrative convenience or expansive regulatory preference.

10. Vide another letter dated 18.09.2026, the respondent has further clarified the total Scheme area i.e., 209.822 Acres in the following tabular form: -

A: Land Parcel: 175.593 Acres		
Sr. No.	License No.	Area (in acres)
1	11 of 2010 dated 02.02.2010	118.562
2	114 of 2011 dated 23.12.2011	57.031
Total Land		175.593

B: Land Parcel: 15.833 Acres (Migration from 175.593 acres)		
Sr. No.	License No.	Area (in acres)
1	141 of 2023 dated 10.07.2023	15.833
Total Land		15.833

MIGRATION: License at Sr. no. B (1) was fully migrated from Licenses at Sr. no. A (1) & (2) under New Integrated Licensing Policy (NILP)		
HRERA REGISTRATION RC issued for development of "Group Housing colony"		
Registration No.	HRERA-PKL-PKL-524-2023	06.12.2023

Post migration of land parcel at B (15.833) from land parcel at A (175.593), the remaining land parcel stands at 159.759 acres: i.e. 175.593 – 15.833 = 159.759.

C: Land Parcel: 34.229 Acres		
Sr. No.	License No.	Area (in acres)
1	20 of 2022 dated 15.03.2022	34.01
2	82 of 2022 dated 02.07.2022	0.21875
Total Land		34.229
MIGRATION: License at Sr. no. C (1) was fully migrated from License at Sr. no. C (3)		
3	22 of 2010 dated 23.03.2010	34.01
34.229 Acres: HRERA REGISTRATION RC: issued for separate Residential Plotted Colony project		
Registration No.	HRERA-PKL-PKL-339-2022	22.08.2022

Total land parcel i.e. (A + C) = 209.822 Acres

List of Applications - for grant of Partial Completion Certificate (PCC) Under RULE 16 OF 1976 RULES - after laying colony as per Layout plan and executing the development works:

Sr. No.	Application date (Form LC-VIII)	License No.	Land Parcel (in Acres)
1	19.02.2015	11 of 2010	75
2	25.07.2017	114 of 2011	57.031
3	28.07.2017	11 of 2010 (*for remaining area of License No. 11 of 2010 i.e. 118.562 acs – 75.00 acs] = 43.562 acs), Area was revised to 27.728, after excluding 15.833 acs.)	27.728
Total Land Parcel for which PCC applied			159.759

Grant of Partial Completion Certificate (PCC) under Rule 16 of 1976 Rules:

Sr. No.	Partial Completion Certificate date (Under Rule 16 on Form LC-IX)	License No.	Land Parcel (in Acres)
1	17.07.2017 vide Memo No. LC-1647-Vol III-JE(VA)-2017/16792 dated 17.07.2017	11 of 2010	75
2	05.08.2018 vide Memo No. LC-1647-B-JE (SK)-2018/4630 dated 05.02.2018	114 of 2011	57.031
3	23.08.2018 vide Memo No. LC-1647-ATP(B)-2018/24686 dated 23.08.2018	11 of 2010	27.728
	Total Land Parcel for which PCC granted		159.759

RERA Registration Certificate for 0.72 Acres forming part of total commercial area measuring 2.11 acres namely "The Valley Central":

Land Parcel: 2.11 Acres (Commercial Pocket)		
Sr. No.	License No.	Area (in acres)
1	11 of 2010 dated 02.02.2010	2.11
Total Land		2.11 (Forming part of 75 Acres for which PCC granted)
HRERA REGISTRATION RC issued for development of 8 SCOs (A01 to A08) on area measuring 0.72 Acres, forming part of 2.11 acres Commercial Pocket		
Registration No.	HRERA-PKL-PKL-626-2024	23.10.2024

11. In view of the above submissions, the respondent prayed that the entire colony area of the residential plotted colony, post-migration, i.e., 159.759 acres, has been granted Part Completion Certificates. As per Rule 16 of the Rules, 1976, Infrastructure Augmentation Charges (IAC) have also been fully paid. The constituents of Section 2[q] are fulfilled. The Project does not qualify as an ongoing Project as per the provisions of Rule 2(1)(o) of Haryana Real Estate (Regulation & Development) Rules, 2017 as also read with Rule 4[5].

Therefore, in view of Rules 2017 and recent amendment in 1975 Act, it is evident that the project is not required to be registered as per the provisions of Section 3(1) of the RERA Act, 2016 and the show cause notice be withdrawn in the interest of justice.

12. In view of the submissions made above, the Authority is of the view that since entire colony area of the residential plotted colony, i.e., 159.759 acres, has been granted Part Completion Certificate by DTCP, Haryana and the remaining area is registered with the Authority therefore, show cause notice issued against the respondent is hereby discharged. **Disposed of**. File be consigned to record room after issuance of orders.

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Dr. Geeta Rathee Singh
Member

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Nadim Akhtar
Member