HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. (Suo-Motu) 2931 of 2019

HRERA, Panchkula

...COMPLAINANT

VERSUS

Aerens Jai Realty

....RESPONDENT

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

Dr. Geeta Rathee Singh **Member**

Date of Hearing: 30.09.2026
Hearing: 33rd

Present: None on behalf of the respondent.

ORDER Nadim Akhtar (Member)

Notice under Section-59 of the Real Estate (Regulation and Development) Act, 2016 was issued to the Promoter in respect of License No. 1032-1038 of 2006 dated 03.07.2006 for developing a residential plotted colony on land measuring 53.9 acres in Sector-22 & 24, Yamunanagar for not getting the project registered with the Authority.

2. On 03.03.2020, the Authority observed that prima facie it is an ongoing project, therefore, promoters should file an application for its registration within a period of 30 days, failing which action will be initiated against them.

3. An appeal bearing no. 324 of 2020 against decision dated 03.03.2020 of this Authority was filed before Hon'ble Appellate Tribunal. The operative part of the impugned order dated 03.03.2020 reads as under:

> *"2. The Authority does not agree with the arguments of the learned counsel. At this stage the Authority draws distinction between the obligations of the Promoters towards its allottees and the obligations of the promoter towards the State Government under the Haryana Development and Regulation of Urban Areas Act. The fact that part completion certificate has not been granted prima facie is evidence pointing to the fact that the requisite services have not been laid. It can be looked from another angle that the promoters after having sold the plots to its allottees is duty bound to follow up and to get part completion certificate. All the allottees have a right to get completion certificate of the colony in which they have invested their money. The promoter will not be absolved towards the allottees simply by filing an application in the Town and Country Planning Department. No evidence or proof has been produced before the Authority whether inspection of infrastructure facilities in the colony has been carried out by the Chief Engineer, HSVP. Even District Town Planner, Yamunanagar vide letter dated 20.02.2020 has reported that the services are lying in bad conditions.*
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> *3. Accordingly, the Authority observes that prima facie it is an on-going project therefore promoter should file an application for its registration within a period of 30 days, failing which action will be initiated against them. A copy of letter/report of the District Town Planner be supplied to the learned counsel of the respondent promoters."*

4. The Hon'ble Appellate Tribunal vide its order dated 19.05.2023 had disposed of the said appeal and observed as under:

> *"2. Limited grievance raised before us by learned counsel for the appellant is that despite the fact he had made an application to DTCP to grant completion certificate, no response has been received. Admittedly, the proceedings are still pending before the Authority, Panchkula. Today, Mr. Arvind Mehtani, CTP, HRERA, Panchkula is present in court. He submits that another copy of the report of DTCP is available with him. Copy thereof has been supplied to learned counsel for the appellant as well. Same is taken on record.*
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> *3. In view of the above, no cause of action survives in this appeal. Learned counsel for the appellant submits that he may be allowed to withdraw the appeal with liberty to pursue his complaint before the Authority at Panchkula."*

5. On 07.02.2024, no one was present on behalf of the respondent. Since the Appeal stand disposed of by the Hon'ble Appellate Tribunal vide order dated 19.05.2023 and the said project is an on-going project, the Authority

directs the respondent-promoter to file an application for registration before the next date of hearing failing which action under section 59 of the RERA Act, 2016 will be initiated for violation of section 3 of the RERA Act, 2016.

6. On 04.09.2024, the Authority decided to impose penalty of ₹ 50,000/- for not complying with the orders of the Authority. Further, Authority directed the promoter to show cause as to why action under section 59 of the RERA Act, 2016 be not initiated for violation of Section 3 of the RERA Act, 2016. Orders of the Authority dated 04.09.2024 could not be sent via registered post. However, the orders were sent via email on 31.01.2025 to the Promoter.

7. On 05.02.2025, neither anyone appeared nor any reply filed. The Authority granted one last opportunity to the Promoter to file an application for registration before the next date of hearing and submit reply to the show cause as to why action under section 59 of the RERA Act, 2016 be not initiated for violation of Section 3 of the RERA Act, 2016.The Promoter was also directed to deposit penalty of ₹ 50,000/- for not complying with the orders of the Authority. Promoter be personally present on the next date of the hearing. The office was directed to send this order to the respondent promoter via registered post and mail. The said orders were delivered through mail on 18.04.2025.

8. On the 06.08.2025, neither anyone appeared nor any reply filed. The Authority after consideration decided to grant one final opportunity to the Promoter to file an application for registration before the next date of hearing and submit reply to the show cause as to why action under section 59 of the RERA Act, 2016 be not initiated for violation of Section 3 of the RERA Act, 2016.The Promoter is also directed to deposit penalty of ₹ 50,000/- for not complying with the orders of the Authority. Promoter be personally present on the next date of the hearing. The Authority also directed the office to send this order to the respondent promoter via registered post and mail.

9. The said orders were delivered through mail on 24.10.2025 and registered post on 16.10.2025.

10. On 29.10.2025, neither anyone appeared nor any reply filed. The Authority after consideration decided to impose 1 lac penalty for non-appearance of the promoter. The Authority decided to grant one more opportunity to the Promoter to file an application for registration before the next date of hearing and submit reply to the show cause as to why action under section 59 of the RERA Act, 2016 be not initiated for violation of Section 3 of the RERA Act, 2016.The Promoter was also directed to deposit earlier penalty of ₹ 50,000/- for not complying with the orders of the Authority. Managing director/director was to be personally present on the next date of the hearing i.e. 28.01.2026. The Authority also directed the office to get issued a Public Notice informing the general public that the promoter had not obtained a RERA registration and that they should not book any Plot in the said Project. The promoter was also directed not to book, advertise, sell any plot in the project.

11. On 28.01.2026, no one appeared on behalf of the respondent nor any reply was filed. The Authority decided to grant one last opportunity to the Promoter to file an application for registration before the next date of hearing and to submit reply to the show cause as to why action under section 59 of the RERA Act, 2016 be not initiated for violation of Section 3 of the RERA Act, 2016.The Promoter is also directed to deposit earlier penalty of 50,000/- for not complying with the orders of the Authority. Managing director/director is to be personally present on the next date of the hearing. However, Public Notice was not issued informing the general public that the promoter has not obtained a RERA registration and that they should not book any plot in the said project. The Authority again directed the office to get a Public Notice issued. The office is directed to write a letter to District

Administration, Yamunanagar not to allow any registry of plots in the said project.

12. On 08.04.2026, no one appeared on behalf of the promoter nor any reply has been filed. After consideration the Authority imposed a cost of 1 Lac for non-appearance of the MD/Director and directs the promoter to comply with the last orders of the Authority. The Authority again directs the office to get public notice issued informing the general public that the promoter has not obtained a RERA registration and that they should not book any plot in the said project.

13. The Public notice was published in two leading newspapers namely Danik Jagran on 24.06:2026 and The Indian Express on 27.06.2026.

14. On 22.07.2026, no one appeared on behalf of the promoter nor any rely filed. The Authority after consideration directs the promoter to comply with the orders dated 28.01.2026 and deposit cost of 1 Lac for non-appearance of the MD/ Director and penalty of ₹50,000 imposed on 04.09.2025 before the next date of hearing i.e. 30.09.2026.

15. Today after consideration Authority directs the office to inform the Concerned Deputy Commissioner regarding the ban on sale imposed by the Authority with the directions not to allow sale / purchase and registry of plots in the project/colony. The promoter is directed to deposit penalty of ₹2 Lac for non-appearance of the MD/ Director imposed on 28.10.2025 and 08.04.2026 and penalty of ₹50,000 imposed on 04.09.2025 for compliance of the orders of the Authority.

16. The Authority also observes that the show-cause notice has been already issued but no reply has been filed by the promoter. The public notices have also been issued.

17. In view of above, the case is **disposed of** with the direction that the ban on sale of plots in the project shall remain in force absolutely until further

orders of the Authority. The promoter shall deposit the aforesaid penalties at the time of applying for registration of the project/colony.

18. **Disposed of**.

Dr.Geeta Rathee Singh
Member

NadimAkhtar
Member

Haryana Real Estate Regulatory Authority
सत्यमेव जयते
Panchkula