



Complaint no. 1429 of 2021

HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 1429 of 2021

HRERA, Panchkula

...COMPLAINANT

VERSUS

SRC Buildtech Pvt. Ltd.

...RESPONDENT

CORAM: Parneet S Sachdev
Dr. Geeta Rathee Singh
Chander Shekhar

Chairman
Member
Member

Date of Hearing: 22.04.2026

Hearing: 13th

Present: Sh. Sumit Mehta, on behalf of complainant.

Sh. Vineet Sehgal on behalf of SRC Buildtech Pvt. Ltd.

ORDER (Parneet S Sachdev- Chairman)

The Authority in its meeting held on 06.12.2021 examined complaint dated 30.09.2021 received from Sh. Vikas Aggarwal S/o Sh. Rajesh Aggarwal, wherein he had stated that a number of violations have been committed by the builder/colonizer in respect of License No.72 of 2018. While registering the project, the Authority had imposed a condition to the effect that if at a later stage it is found that the promoter has made any sale without registration of the project, the Authority will re-initiate the proceedings against the promoter. The applicant had registered this project as a new project whereas 40% of development works had already been executed and seven sale deeds were executed before the date of registration i.e. 22.07.2019. The Authority was prima facie of the view that the

project was an ongoing project whereas the promoter has mis-represented to the Authority and got it registered as a new project. The Authority after deliberations is of prima facie view that promoters have violated the provisions of Section-3 of the Real Estate (Regulation & Development) Act, 2016. CTP will register a Suo-motu complaint against the promoter in the aforesaid matter. Since, some of the issues raised in the complaint relates to the Town & Country Planning Department, a copy of the complaint be forwarded to the Director, Town & Country Planning Department, Haryana, for taking appropriate decision.

2. A show cause notice dated 24.12.2021 was issued to the promoter to show cause as to why proceedings under Section-59 of the RERA Act, 2016 be not initiated against the project namely, "SRC Industrial Park" registered vide Registration No. HRERA-PKL-PWL-136-2019 dated 22.07.2019 valid upto 28.10.2023.
3. On 30.01.2023, the Authority examined the reply dated 1.07.2022 submitted by the respondent-promoter and observed that out of 20 deeds, there is a repetition of one of the deeds bearing no.8752, 7 deeds were executed before the date of registration and 13 deeds have been executed after date of registration, i.e., 22.07.2019. The respondents submitted that these 7 deeds were executed in favour of financiers of the project and not the allottees and an affidavit to this effect was given at the time of registration of the project. The impugned reply of the respondent did not satisfy the Authority regarding discrepancies found in the execution of conveyance deeds prior to registration of the project. The Authority observed that the stand taken by the respondent is imprecise. The Authority granted one last opportunity to the respondent to appear before the Authority and clarify their stand. The respondent promoter was directed not to sell any unsold inventory or create any third party rights in the project till the next date of hearing.
5. On 26.07.2023, Sh. Sumit Mehta informed that Rs. 42 Crores were collected against booking of plots by the promoter before the registration of the project and not from the financiers. Sh. Vineet Sehgal submitted that such allegations are verbal and no such allegation has been mentioned in the complaint. A complaint has been filed

regarding violation of the conditions of the License before the Department of Town & Country Planning, Haryana by the promoter but no such copy has been supplied to the respondent-promoter. The Authority directed the complainant to provide copy of complaint filed before DTCP and any other document to be placed on record to the respondent-promoter before the next date of hearing.

6. On 03.07.2024, Sh. Sumit Mehta informed that vide an order dated 07.10.2022 passed by DTCP, Haryana a request for change of developer and transfer of part licensed land measuring 24.018 acres by SRC Buildtech Pvt. Ltd has been considered subject to the condition that the developer company ,i.e., Victora Automative Pvt. Limited shall be responsible for compliance of all the terms and conditions of license till the grant of final completion certificate or relieved of the responsibility whichever is earlier. Sh. Sumit Mehta informed that a reply has also been submitted in the Authority on 01.07.2024.

The Authority observed that SRC Buildtech Pvt. Ltd has violated the provisions of Section-15 of the RERD Act, 2016. Therefore, the respondent promoter i.e. SRC Buildtech Pvt. Ltd is directed to show cause as to why penalty proceedings may not be initiated under Section-61 for violating the provisions of Section-15 of the RERD Act, 2016. The office was directed to examine the reply dated 01.07.2024 and place it before the Authority on the next date of hearing.

7. On 11.09.2024, vide reply dated 01.07.2024, the complainant has submitted an application for impleading them as necessary parties in the suo-motu complaint and submitted additional information in the matter. Vide DTCP order dated 07.10.2022- SRC Buildtech Pvt. Ltd. is no longer recognized as a developer and Victora Automative Pvt. Ltd. has stepped into the shoes of the developer of the Project. Respondent has failed to inform above to the Authority. Victora Automative Private Limited be added as an additional respondent for proper adjudication of the Complaint. Llearned counsel, Sh. Vineet Sehgal submitted that despite the orders of the Authority dated 26.07.2023, the Complainant (Sh. Vikas Aggarwal) has failed to provide a copy of the complaint filed before DTCP and any other document placed on

record. Sh. Sumit Mehta (Counsel for Sh. Vikas Aggarwal) informed that the Respondent-Promoter has not submitted any reply to the show cause given by the Authority on 03.07.2024. The Authority asked Sh. Sumit Mehta as to why copy of complaint before DTCP has not been provided to the Authority and Respondent Promoter, to which he could not reply satisfactorily.

The Authority decided that Victora Automative Pvt. Limited be impleaded as a party in this matter. The Authority again directed the complainant (Sh. Vikas Aggarwal) to provide a copy of the complaint filed before DTCP and any other document to the respondent-promoter as well as to the Authority before the next date of hearing. Complainant is also directed to provide a copy of the application dated 01.07.2024 to the Respondent-Promoter. The Respondent/Promoter should submit reply to the show cause issued by the Authority on 03.07.2024 as to why penalty be not imposed under Section-61 for violating the provisions of Section-15 of the RERD Act, 2016. The Authority directs that an Auditor be appointed to conduct Audit of the said Project.

9. Vide letter dated 12.12.2024, M/s Sanjay Arora and Associates were appointed to conduct Audit of the Project.

10. On 08.01.2025, learned counsel Sh. Vineet Sehgal informed that copy of complaint before DTCP has been received via e-mail on 01.01.2025. Sh. Sumit Mehta (Counsel for Sh. Vikas Aggarwal) informed that copy of complaint filed before DTCP has been submitted in the Authority on 01.07.2024. The Authority observed that Respondent/Promoter has not submitted reply to the show cause issued by the Authority on 03.07.2024 as to why penalty be not imposed under Section-61 for violating the provisions of Section-15 of the RERA Act, 2016? Therefore, last opportunity was granted to the Respondent/Promoter to submit reply to the show cause notice dated 03.07.2024 failing which penal proceedings will be initiated under RERA Act, 2016. Also, reminder was issued to M/s Sanjay Arora & Associates for submission of Audit Report of the Project. The office was directed to examine reply dated 01.07.2024 and check whether copy of complaint filed before DTCP has been enclosed or not?

11. That vide letter dated 15.01.2025, Audit Report has been received which was sent to the Promoter on 07.02.2025 and the details are herein below:

- (i). Total Plots - 184
- (ii). Cost of the Project - Rs. 6054.19 lakhs
- (iii). As per Rep-I, the Auditee has opened separate bank account in SBI. In absence of information by the Auditee, the auditor is unable to comment on the same.
- (iv). Money collected from allottees - Rs. 1845.92
- (v). The Promoter has not furnished the Bank Statements of the separate RERA Account; hence ascertainment of the deposits credited in Bank Account is not clear. Therefore, the auditor cannot comment upon the same.
- (vi). No separate Certificate is available for percentage of completion of Project in view of which the withdrawals were to be made.
- (vii). No separate certificate available for percentage of completion, according to which auditee had to withdraw funds from separate RERA Account.
The auditor has not been provided with the information regarding amounts collected for particular project have been utilized for that project and the withdrawals have been in compliance with proportion to the percentage of completion of the project.
- (viii). There is wild growth at the site - some basic electrification has been done at the site.
- (ix). Photographs of the site enclosed.

12. On 12.03.2025, the Authority observes that neither any reply has been submitted by the Promoter- SRC Buildtech Private Limited regarding Audit Report and Show cause dated 03.07.2024 nor any reply has been received from Victora Automative Private Limited. The Authority after consideration granted an opportunity to the Director of SRC Buildtech Private Limited to appear physically on the next date of hearing. Copy of this order was sent on the registered address of Victora Automative Private Limited and SRC Buildtech Private Limited via registered post and mail which were delivered via registered post on 04.04.2026 and e-mail on 02.04.2026.

13. Today, despite repeated opportunities, neither any satisfactory reply to the show cause notice dated 03.07.2024 has been filed nor has compliance of the directions issued by the Authority been made by the respondents. The Director of SRC Buildtech Private Limited has also failed to appear before the Authority despite specific directions. Hence, a penalty of ₹ one lac is imposed upon the Director for non-appearance before the Authority. The Authority has further considered the Audit

Report submitted by M/s Sanjay Arora & Associates, which prima facie establishes violation of the provisions of the Real Estate (Regulation and Development) Act, 2016 and the rules framed thereunder, particularly regarding maintenance and utilization of the separate RERA account. In view of the continuous non-compliance and failure of the respondents to avail sufficient opportunities granted by the Authority, the Authority proceeds to decide the present matter. Accordingly, penalty of ₹ 30,270,950/- under Section 61 of the RERA Act, 2016 is hereby imposed upon the respondent at 5% of the cost of the Project i.e. 6054.19 Lacs. These orders be complied with by SRC Buildtech Private Limited within a period of 90 days of uploading of this order, failing which legal consequences would follow.

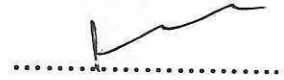
14. **Disposed of.** File be consigned to record room after uploading of these orders.



Chander Shekhar
Member



Dr. Geeta Rathee Singh
Member



Parneet S Sachdev
Chairman