HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 3088 of 2022

HRERA, Panchkula .... COMPLAINANT

VERSUS

Gold Souk Infrastructure Pvt. Ltd. ....RESPONDENT

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

Dr. Geeta Rathee Singh **Member**

Date of Hearing: 30.09.2026

Hearing: 18h

Present: Adv. Shubhnit Hans on behalf of promoter

ORDER- Nadim AkhtaR (Member)

This suo-motu complaint was registered against the respondent promoter for neither completing the project within the timelines declared u/s 4(2)(1)(c) at the time of seeking registration nor applying for extension of registered project i.e., an Affordable Residential Plotted Colony on land measuring 30306.29 sq. mtrs. in Village Barota, Khanpur and Kawarsika, Tehsil Nuh, District Mewat, Haryana registered vide Registration No. 373 of 2017 dated 28.11.2017 valid upto 10.09.2021. After granting benefit of covid period the registration stands expired on 10.06.2022.

A show cause notice U/s 35 dated 23.11.2022 was issued to the respondent promoter directing to furnish information relating to the status of the project on the date of expiry of registration.

2. On 16.01.2023, the Authority observed that the registration of the project had expired. Accordingly, the promoter was directed not to sell any unsold inventory or create any third-party rights in the project until the extension of registration was granted.

3. On 10.04.2023, neither anyone appeared on behalf of the respondents nor was any reply filed. Taking note of the above, the Authority directed the promoter to show cause as to why proceedings for imposition of penalty under Section 63 read with

Section 59 of the Real Estate (Regulation and Development) Act, 2016, for failure to comply with the directions of the Authority, should not be initiated against the promoter.

4. On 26.07.2023, neither anyone appeared on behalf of the respondents nor was any reply filed. The Authority further observed that, during the previous hearing, the provisions of Section 63 read with Section 59 had inadvertently been recorded for initiation of penalty proceedings. Accordingly, the Authority directed the promoter to show cause as to why the registration of the project should not be revoked under Section 7 of the RERA Act, 2016, and why penalty proceedings under Section 61 read with Section 63 of the Act should not be initiated against the promoter for contravention of the provisions of the Act and non-compliance with the directions of the Authority.

5. On 30.10.2023, neither anyone appeared on behalf of the respondents nor was any reply filed. The Authority, in the interest of justice, granted one last opportunity to the respondent to comply with the directions of the Authority, failing which the Authority would be constrained to impose a penalty of ₹5,00,000/- under Sections 60 and 61 read with Section 63 of the RERA Act, 2016, for contravention of the provisions of the Act and failure to comply with the directions of the Authority.

6. On 10.01.2024, learned counsel Sh. Shubnit Hans appeared on behalf of the promoter and sought time to file a reply. The Authority, after consideration, imposed a penalty of ₹5,00,000/- (Rupees Five Lakh only) under Sections 60 and 61 read with Section 63 of the RERA Act, 2016, for contravention of the provisions of the Act and failure to comply with the directions of the Authority. The promoter was directed to deposit the aforesaid amount with the Registry before the next date of hearing.

7. On 28.02.2024, learned counsel Sh. Shubnit Hans submitted that the promoter had already applied for the grant of a Completion Certificate; however, the same had not been received. The Authority observed that no documentary evidence had been placed on record to establish the date on which the application for grant of the Completion Certificate was submitted before the concerned Department. Accordingly, the Authority granted one last opportunity to the respondent-promoter to deposit the penalty of ₹5,00,000/-, as imposed vide order dated 10.01.2024, and to submit an application for extension of the project registration.

8. On 10.04.2024, the Authority again granted one last opportunity to the respondent-promoter to pay the penalty of ₹.5 Lac as imposed on 10.01.24 failing which an additional cost of ₹.2 Lacs would be imposed and submit an application for granting extension.

9. On 10.07.2024, learned counsel Sh. Shubnit Hans appeared and informed that a reply had been submitted in the Authority on 09.07.2024. The Authority directed the Project Section to place it before the Authority on the next date of hearing.

10. Vide reply dated 09.07.2024, the promoter had informed that they have applied for grant of Completion Certificate on 10.11.2020 and there was no response from DTCP Haryana on that application. However, copy of the application made to DTCP, Haryana had also not been enclosed. They also informed that they had applied for renewal of license no. 92 of 2017 dated 07.11.2017 on 28.10.2022, and a reminder was issued to DTCP on 12.06.2023. Since, there was no response from DTCP, Haryana. Section 4.11 (3) of HBC, 2017, mentions that if no communication is received from the competent Authority within eight working days of submitting the application for "Occupation Certificate", the owner is permitted to occupy building, considering deemed issuance of occupation certificate. Therefore, the promoter has stated that no extension is required to be filed and requested to waive off the costs imposed by the Authority.

11. In view of the above, the Authority on 06.11.2024 observed that, Section 4.11 (3) of HBC, 2017 states that: -

"If no communication is received from the Competent Authority within eight working days of submitting the application for "Occupation Certificate", the owner is permitted to occupy building, considering deemed issuance of "Occupation certificate" and the application Form BRS-III shall act as "Occupation Certificate": Provided violations, if found at any subsequent stage, shall result in cancellation of the occupation certificate issued and the same shall be restored only after removal of violations. Further, action against the Architect shall also be taken for furnishing a wrong certificate/ affidavit"

However, the present case does not correspond to the above Section of HBC, 2017. Further, as per the provisions of RERD Act, 2016 and orders of Hon'ble Supreme Court passed in M/s Newtech Promoters & Developers (P) Ltd. Vs. State of UP & Others, compliances are to be made till the grant of completion certificate. Therefore, the respondent should apply for extension of the real estate project upto the date of grant of completion certificate by the competent Authority. Further, additional penalty of Rs 2 Lacs along with the already imposed penalty of Rs 5 lacs is hereby confirmed. The respondent should file for extension before next date of hearing along with the penalties.

12. On 08.01.2025, Adv. Shubhnit Hans, appearing on behalf of the respondent, submitted that he was unable to assist the Authority due to lack of instructions from his client and, accordingly, requested another opportunity. The Authority, after consideration, directed the Managing Director/one of the Directors of the respondent company to remain personally present before the Authority on the next date of

hearing. The respondent was further directed to file an application for extension of registration and deposit the penalty imposed by the Authority, along with any other outstanding penalties, before the next date of hearing.

13. On 05.03.2025, Adv. Shubhnit Hans informed that he was not be able to assist the Authority since there were no instructions from the client. Since, the MD/one of the Directors of the company was asked to be personally present therefore the Authority imposed a cost of ₹. 1 lac for the non-appearance of director. Further, since extension application had not yet been filed by the respondent, the Authority therefore directed the promoter to show cause as to why registration granted should not be revoked as per provisions of Section 7 of the Act. The respondent should file reply to the above observations or file an application for extension and also deposit the penalties and cost before the next date of hearing along with the penalties.

10. On 14.05.2025, Adv. Anjanpreet Singh appeared on behalf of respondent and submitted that vide order dated 24.03.2025 passed by the Hon'ble NCLT, Mumbai Bench, a moratorium under Section 14 of the Insolvency and Bankruptcy Code,2016 had been imposed. He further requested to adjourn the matter.

11. On 03.09.2025, learned counsel Sh. Anjanpreet Singh appeared on behalf of the respondent and submitted that he had not received any instructions from the respondent regarding the latest status of the moratorium under Section 14 of the Insolvency and Bankruptcy Code, 2016, before the Hon'ble NCLT, Mumbai Bench. Accordingly, the Authority directed the promoter to show cause as to why the registration granted to the project should not be revoked under Section 7 of the RERA Act, 2016. The respondent was directed to submit a reply to the aforesaid observations at least one week before the next date of hearing.

12. On 03.12.2025, learned counsel Sh. Anjanpreet Singh appeared on behalf of the promoter. However, the respondent had not submitted any reply in compliance with the Authority's orders dated 03.09.2025. In view of the consistent non-compliance with the directions of the Authority, the Authority directed the office to issue a notice of revocation to the promoter under Section 7(2) of the Act, 2016, calling upon the promoter to furnish the following information within 7 days from the date of issuance of the notice:

a. The total amount so far collected/realized from the allottees.

b. Allottee-wise schedule of payment received.
c. Amount of work done so far at the site with photographs.
d. Percentage of physical progress achieved with certificate of civil engineer.
e. Land cost of the project and proportionate land cost of percentage of physical progress with documentary proof.

f. The details of the Bank Accounts where the amount realized from allottees has been deposited/received.
g. The withdrawals from the separate RERA Account where 70% of the amount to be realized from allottees is mandatory to be deposited with documentary proof.
h. The proof of having withdrawn from the separate account after it is certified by an engineer, an architect, and a chartered accountant in practice that the withdrawal is in proportion to the percentage of completion of the project duly certified with bank.
i. The details of the balance available in the separate RERA Account and whether it is the remaining amount in the separate RERA Account out of seventy percent of the total amount realized from the allottees after withdrawals as per provisions of section 4(2)(1)(D).
j. Certificate of the Chartered Accountant that amounts collected for this project and the withdrawals have been in compliance with the proportion to the percentage of completion of the project.
k. Wherever there has been deviation/variation from the provisions of section 4(2)(I)(D) and the explanation relating to the same.
l. Copy of documents submitted to Director Town & Country Planning, Haryana in compliance with Rule 24, 26(2), 27 & 28 of the Haryana Development and Regulation of Urban Areas Rules, 1976.

13. On 25.02.2026, Adv. Anjanpreet Singh proxy for Adv. Shubhnit Hans appeared and submitted that the company recently came out of CIRP and need some time to comply with all the directions given by the Authority. The Authority after consideration directed the respondent to place on record all the orders of the NCLT. Since the notice of revocation as directed by the Authority in the last meeting was not issued by the office, the Authority again directed the office to issue a notice of revocation to the promoter under Section 7(2) of the Act, 2016 for consistent non-compliance of the directions of the Authority.

14. On 06.05.2026, Adv. Divya Sareen appeared on behalf of the promoter and requested for some more time to file reply to the show cause notice issued vide letter dated 21.04.2026 which was duly served through registered post on 27.04.2026. Further, in terms of Section 7(2) of the RERD Act, 2016, a minimum period of 30 days is required to be afforded to the respondent for submitting its reply.

Accordingly, in the interest of justice, the Authority grants one last and final opportunity to the promoter to file its reply and appear before the Authority on the next date of hearing, failing which the registration granted to the promoter shall be revoked in accordance with the provisions of the Act, without any further opportunity.

15. On 22.07.2026 , Adv. Diya sareen for Adv. Shubhnit Hans appeared on behalf of the promoter and submitted that they have filed the reply on 21.07.2026. The Authority after consideration directed the office to examine the reply and place it before the Authority on the next date of hearing.

16. Today, Adv. Shubhnit Hans appeared on behalf of the promoter and submitted that the respondent has submitted response to the show cause notice vide reply dated 21.07.2026 and has made an application seeking waiver and / or reduction of penalty and cost imposed in the present proceedings. However after perusal of the record it is found that no reply has been filed by the promoter . The Authority is of the view that adequate opportunities have already been granted to make compliances, therefore, the Authority decides to revoke the said registration granted to the respondent. The registration granted to the respondent be transferred to the list of defaulter/cancelled projects. Further, since adequate opportunities have already been granted to the respondent to deposit the penalty, the Authority in exercise of its mandate under Section 37 read with Section 34 (f) of the RERD Act, 2016 hereby directs the respondent promoter to deposit the earlier imposed penalty of ₹7 Lac and cost of ₹1 Lac on the respondent for non-appearance of the Director. These orders be complied with by the respondent promoter within a period of 90 days of uploading of this order, failing which legal consequences shall follow. Since the registration in this case has been revoked therefore, the promoter shall not advertise, market, book, sell or offer for sale, or invite persons to purchase in any manner any plot, apartment or building, as the case may be.

The office is directed to inform the Concerned Deputy Commissioner of the ban on sale imposed by the Authority with the directions not to allow sale / purchase and registry of plots in the project/colony.

17. Disposed Of

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Dr. Geeta Rathee Singh
Member

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Nadim Akhtar
Member