HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 1083 of 2020

HRERA, Panchkula ....COMPLAINANT

VERSUS

Forteasia Realty Pvt. Ltd. ....RESPONDENT

CORAM: Rajan Gupta **Chairman**
Anil Kumar Panwar **Member**
Dilbag Singh Sihag **Member**

Date of Hearing: 04.11.2020

Hearing: 1st

Present: - Ms. Ritu Gupta, on behalf of the respondent.

ORDER (Rajan Gupta – Chairman)

1. Ms. Ritu Gupta appeared on behalf of respondent-promoters through Video Conferencing and stated that this commercial site admeasuring 1.098 acres was purchased by them as an allottee from the promoters of the larger project M/s Omaxe Ltd. M/s. Omaxe Ltd. is developing the colony on 111.62 acres and this commercial site is a part of the project. According to Ms. Ritu Gupta, the project is complete and they had applied for occupation certificate on 20.11.2019. She further stated that the department is refusing to grant the occupation certificate because the license of the larger colony developed by M/s Omaxe Ltd. has not been renewed.

2. The Authority observes that M/s Forteasia Reality Ltd. is an allottee in the project. Grant of occupation certificate to their completed project cannot and should not be dependent upon renewal of the license of M/s Omaxe Ltd. An allottee of a project cannot be held liable for the non-renewal of the license by the promoters of a larger project. Their project has to be considered an independent project, separate from license of M/s Omaxe Ltd.

3. The Authority directs the respondent-promoters to submit copies of the correspondence undertaken by them with the department. A copy of this order be also sent to Director General, Town and Country Planning Department for consideration of the application of the promoters for grant of occupation certificate expeditiously by treating it as an independent project separated from the larger project of M/s Omaxe Ltd.

4. Adjourned to **15.12.2020**.

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RAJAN GUPTA
[CHAIRMAN]

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ANIL KUMAR PANWAR
[MEMBER]

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DILBAG SINGH SIHAG
[MEMBER]