

**BEFORE THE HARYANA REAL ESTATE REGULATORY
AUTHORITY, GURUGRAM**

Complaint no. : 2551 of 2020
Date of first hearing : 25.09.2020
Date of decision : 16.12.2020

HARERA, Gurugram
R/o New PWD Rest House, Civil Lines,
Gurugram.

Complainants

Versus

M/s Luxury Infrastructure Pvt. Ltd. (Bharti
Builders)
Shop no. 8, Apna Enclave
Gurugram,
122001

Respondent

CORAM:

Shri KK Khandelwal
Shri Samir Kumar

**Chairman
Member**

APPEARANCE:

Shri Bhavesh

Authorized representatives
for the respondent

ORDER

1. The particulars of the project have been detailed in the following tabular form:

S.No.	Heads	Information
1.	Project name	Bharti Villas
2.	Location of project	Vijay Vihar, Sector 30, Gurugram

3.	Name of the developer	M/s Luxury Infrastructure Pvt. Ltd. (Bharti Builders)
4.	Nature of the project	Group Housing
5.	Details of plot/ project	Killa no. 29//16/3/3 (0-17),16/3/4(0-4), 25//1/1/1 (1 -8)
6.	No. of units in the project	41 (thirteen-2 BHK, twenty-four -3 BHK, four-4 BHK)
7.	Registered/ not registered	Not registered

2. The promoter has given advertisement on the real estate marketing site i.e., magicbricks.com for selling of apartments in the project named "Bharti Villas". As on today the area of the land being developed exceeds 500 square meters or the number of apartments being developed exceeds eight in the project. Therefore, the project is not saved under Section 3(2)(a) of the Real estate (Regulation and Development) Act,2016 and as per Section 3(1) of the Real Estate (Regulation and Development) Act, 2016, the promoter is mandated to register their project with this Authority.
3. Keeping in view the above, as per the records of the Authority the project is registrable under Section 3 of the Act ibid,



However the promoter has not applied for registration of their project with the Haryana Real Estate Regulatory Authority, Gurugram till dated 01.09.2020. This omission on their part is violation of Section 3 (1) of the Act ibid which provides as under: -

"No promoter shall 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, in any real estate project or part of it, in any planning area, without registering the real estate project with the Real Estate Regulatory Authority established under this Act.

Provided that projects that are ongoing on the date of commencement of this Act and for which the completion certificate has not been issued, promoter shall make an application to the Authority for registration of the said project within period of three months from date of commencement of this Act:"

4. Keeping in view the above facts, a show cause notice dated 01.09.2020 was issued to the promoter to get the project registered and also directed to file the reply to the show cause notice as to why penal proceeding may not be initiated for not getting the project registered. During the proceeding dated




10.11.2020 the promoter was granted 15 days' time to file the application for registration in the Authority. Accordingly, the promoter filed the application on 11.11.2020 and complied with directions of the Authority issued during the hearing dated 10.11.2020.


5. Further as the promoter has advertised the project before the registration of the project with the Authority. Therefore, this is clear violation of the provisions of Section 3 (1) of this Act and this omission by the promoter is punishable under Section 59 (1) of Act *ibid*.

"If any promoter contravenes the provisions of section 3, he shall be liable to a penalty which may extend up to ten per cent. of the estimated cost of the real estate project as determined by the Authority."

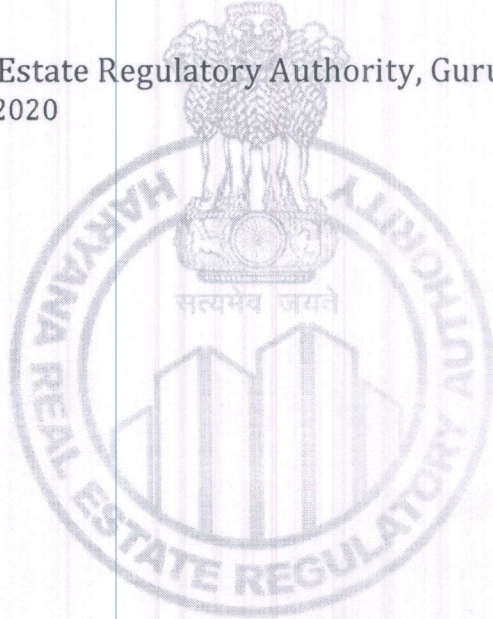
6. Hence, the Authority hereby decides to impose a penalty of Rs 10,00,000/- (ten lakhs) on the promoter under Section 59 (1) of the Act *Ibid*. Further the promoter is hereby directed not to carry any such malpractice in future projects and should mandatory comply with all the provisions of this Act. In the event any such non-compliances of the provisions of the Act comes to the notice of this Authority then stringent action shall

be taken against the promoter including but not limited to facing legal consequences applicable as per the Act.


(Samir Kumar)
Member


(Dr. KK Khandelwal)
Chairman

Haryana Real Estate Regulatory Authority, Gurugram
Dated: 16.12.2020



HARERA
GURUGRAM