

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

Complaint no. : 2595 of 2020  
Date of first hearing: 25.09.2020  
Date of decision : 10.11.2020

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

**Complainant**

Versus

M/s Vistaar Group Pvt Ltd  
Plot No. 5449-5450,  
Df Phase-4,  
Gurugram-122009

**Respondent**

**CORAM:**

Shri KK Khandelwal  
Shri Samir Kumar  
Shri Subhash Chander Kush

**Chairman  
Member  
Member**

**APPEARANCE:**

None

**ORDER**

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

S.No.	Heads	Information
1.	Project name and location	"Saffron Homes", Sector 67, Gurugram.
2.	Name of the developer	Vistaar Group Pvt. Ltd.



3.	Nature of the project	Group Housing
4.	Details of plot/ project	Plot No. 11A, Block-E, Ansal Essencia, Sector-67, Gurugram
5.	No. of units in the project	17 (1 BHK, 2 BHK, 3 BHK)
6.	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 "Saffron Homes". 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 exempted under Section 3(2)(a) of the Real estate (Regulation and Development) Act, 2016 and as per proviso of Section 3(1) of the Real Estate (Regulation and Development) Act, 2016, the promoter is mandated to register their project with this Authority. Accordingly, a show cause notice no. RERA-GRG-2595-2020 dated 01.09.2020 was issued to the promoter for registration of their project.
3. Keeping in view the above facts, the project is registrable under Section 3 of the Act *ibid*. However, the promoter has not applied for registration of their real estate project with the

Haryana Real Estate Regulatory Authority, Gurugram till date.

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.*

4. In reference to a show cause notice dated 01.09.2020 issued to the promoter to get the real estate 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 under Section 3 of the Act *ibid*. But the promoter neither filed a reply nor applied for registration of real estate project in the Authority. Therefore, the promoter failed to comply with the orders of the Authority and continued to violate the Section 3 of the Real Estate (Regulation and Development) Act, 2016 by continuously advertising the project, this omission of the promoter is punishable under Section 59 (1) of the Act *ibid*. Section 59(1) provides as under: -

*"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."*

5. Thereafter, considering the advertisement given by the promoter on the online portal the total cost for 2 BHK (4 no.'s) apartment is Rs 45 lacs. Further based upon the price 2 BHK unit, the cost of 3 BHK (12 no.'s) apartment is assumed to be Rs 55 lacs and for 1 BHK (1 no.) apartment to be Rs 25 lacs. Taking these prices as the minimum prices for apartments, the minimum cost of the project comes out to be Rs. 8.20 crores, ten percent of which comes out to be Rs. 82 lacs.
6. Hence as on date no reply has been filed by the promoter nor any application is applied in the Authority for registration of project. Besides this the promoter did not appeared for the personal hearing before the Authority and it seems that the promoter is non-compliant to the law. Thereafter, the Authority decides to impose a penalty of Rs. 75 lacs on the promoter which shall be deposited with the Authority and shall be credited in the government account within a prescribed period as per rules. The promoter is again directed to apply for registration within a period of one month from the


date of this notice otherwise it may further attract penalty in terms of Section 59 (2) of the Act.

7. It is flagged that promoter has provided wrong RERA ID in the online advertisement of their real estate project and carrying out fraudulent sale in the project. Thereafter, Authority is issuing a public notice for the general public not to enter into any sale and purchase of this property and as the area falls under the municipal limits therefore, Authority hereby directs Municipal Corporation Gurugram to seal project premises till the projects gets registered with the Authority.

  
**(Samir Kumar)**  
Member

  
**(Subhash Chander Kush)**  
Member

  
**(Dr. KK Khandelwal)**  
Chairman

  
Haryana Real Estate Regulatory Authority, Gurugram  
Dated: 10.11.2020

**HARERA**  
**GURUGRAM**

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**Endst. No. - HARERA/GGM/2021/EE/4-5**

**Date: - 28.01.2021**

A copy of the order dated 10.11.2020 passed by the Hon'ble Authority in complaint no. RERA-GRG-2595-2020 is forwarded to the following for information and necessary action: -

1. M/s Vistaar Group Pvt Ltd, Plot No. 5449-5450, Dlf Phase-4, Gurugram-122009
2. Commissioner, Municipal Corporation Gurugram for demolishing the unauthorized constructions in the project namely "Saffron Homes" or to take any other action as deemed fit as per rules and regulations.



*K. Anil Singh*  
Executive Admn & Estt.

For: Haryana Real Estate Regulatory  
Authority, Gurugram

