

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

Complaint no. : 806 of 2020
Date of first hearing : 25.03.2020
Date of decision : 10.11.2020

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

Complainant

Versus

M/s SPS Homes Builders and Developers Pvt
Ltd
SPS Homes, Vijay Vihar, Sector-30,
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	"SPS Homes", Vijay Vihar, Sector 30, Gurugram.
2.	Name of the developer	SPS Homes Builders and Developers Pvt. Ltd.

3.	Nature of the project	Group Housing
4.	Area of plot/ project	500 sqm
5.	Details of plot	Plot No-1, Rect. No-35, Kila No- 1/3 (5-2-0), Rect. No. 35, Kila No. 10 (8-0-0)
6.	No. of units in the project	26
7.	Registered/ not registered	Not registered

2. The promoter has given advertisement on the real estate marketing site i.e. 99acres.com, magicbricks.com etc. for selling of apartments in the project named "SPS 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 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-806-2020 dated 25.02.2020 was issued to the promoter for registration of your project.

3. Keeping in view the above facts and 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 real estate project with the Haryana Real Estate Regulatory Authority, Gurugram till date. This omission on their part is violation of proviso to 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 show cause notice dated 25.02.2020, the promoter neither submitted any reply nor applied for registration of the project. Further during hearing dated 09.06.2020, Mr Sudhir Mann owner of SPS Homes Builders and Developers Pvt. Ltd. appeared in the hearing and quoted that "SPS Homes Builders and Developers" is a partnership firm, consisting four partners in the firm. In reference to this context the Authority directed the promoter to submit a copy of partnership deed, details of the bank account and also directed

to remove unauthorized encroachment from the stilt area of the project. But the promoter neither filed a reply nor removed the unauthorized encroachment from the stilt area. Therefore, the promoter failed to comply with the orders of the Authority and continued to violate the proviso to Section 3 (1) 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: -

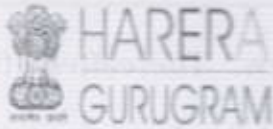
"If any promoter contravenes the provisions of section 3, he shall be liable to a penalty which may extend up to ten per cent. of the estimated cost of the real estate project as determined by the Authority."

5. Thereafter, considering the advertisement given by the promoter on the online portal the total cost for 2 BHK (13 no.) apartment is Rs 68 lacs and for 3 BHK (12 no.) apartment it is 80 lacs and for 1 BHK (1 no.) apartment it is Rs 42 lacs. Taking these prices as the minimum prices for apartments, the minimum cost of the project comes out to be Rs. 18.86 crores, ten percent of which comes out to be Rs. 1.89 crores.
6. It is flagged, as on date the promoter has not applied for registration nor submitted any reply and it seems that the



promoter is non-compliant to the law. Thereafter, the Authority decides to impose a penalty of Rs. 1 crore 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. Further a site visit dated 04.01.2020 was carried out by the engineering team of the Authority and it was found that the stilt area at the site meant for the parking of the vehicles whereas promoter has constructed his marketing/ sales office in the stilt area measuring nearly 100-120 sqm area. The promoter has also illegally developed two apartments on the terrace of the project site and advertisement for the same also being carried out. Further, no setbacks around the building have been left at the site by the promoter and 100% plot coverage has been achieved against the rules/regulation/Haryana building code 2017. Further as the area falls under the municipal limits thereafter, Authority hereby directs Municipal Corporation Gurugram to seal

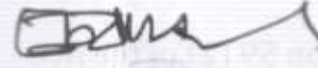


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unauthorized portion of the project till the project gets registered with the Authority.


(Samir Kumar)
Member


(Subhash Chander Kush)
Member


(Dr. KK Khandelwal)
Chairman

Haryana Real Estate Regulatory Authority, Gurugram

Dated: 10/11/2020



HARERA

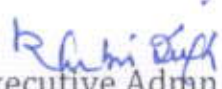
Endst. No. - HARERA/GGM/2021/EE/6-7

Date: - 28.01.2021

A copy of the order dated 10.11.2020 passed by the Hon'ble Authority in complaint no. RERA-GRG-806-2020 is forwarded to the following for information and necessary action: -

1. M/s SPS Homes Builders and Developers Pvt Ltd, SPS Homes, Vijay Vihar, Sector-30, Gurugram-122009
2. Commissioner, Municipal Corporation Gurugram for demolishing the unauthorized constructions in the project namely "SPS Homes" or to take any other action as deemed fit as per rules and regulations.




Executive Admn & Estt.

For: Haryana Real Estate Regulatory
Authority, Gurugram