

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

Complaint no. : 6052 of 2019
Date of first hearing : 16.12.2019
Date of decision : 28.01.2021

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

Complainants

Versus

M/s Mahira Buildtech Pvt Ltd
302-A, Global Foyer, Sector-43,
Golf Course Road,
Gurugram

Respondent

CORAM:

Shri KK Khandelwal
Shri Samir Kumar

**Chairman
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	"Mahira Homes-103", Sector-103, Gurugram
2.	Project area	5.40347 acres



3.	Nature of the project	Affordable Group Housing
4.	DTCP license no. and validity status	31 of 2019 dated 01.03.2019 valid till 28.02.2024
5.	Name of licensee	Bijender Singh and others C/o Mahira Buildtech Pvt Ltd
6.	Registered/ not registered	Registered vide RC no. RC/REP/HARERA/GGM/321/ 53/2019/15 dated 01.04.2019

2. It came to the notice of the Authority that the promoter had given advertisement for sale of units in affordable group housing project namely "Mahira Homes-103" located in sector-103, Gurugram in the daily newspapers namely "Hindustan Times" and "Dainik Jagran" dated 25.03.2019 and highlighted that the project is RERA approved. Accordingly, a show cause notice no. HARERA/GGM/2019/Advt./29 dated 13.09.2019 was issued to the promoter regarding the advertisement for project.
3. Keeping in view the above facts, and as per the records of the Authority the project was registerable under Section 3 of the Act ibid and the promoter had applied for registration of project at the time of publishing the advertisement, but the registration certificate was not granted till that date. This

omission on the part of promoter 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. The above 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."

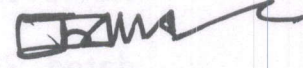
5. It is flagged that promoter was issued a show cause notice earlier also in this regard on 13.09.2019 and a hearing was also conducted on 16.12.2019, on which no one appeared. However, again, notice no. RERA/GRG/6052/2019/Mahira/1 dated 30.12.2019 was issued, in reference to which the promoter submitted the reply on 13.01.2020 stating that the violations alleged in the notice are ill-founded and the



company has not indulged in any of such activities with an intension to breach Section 3 of RERA, 2016.

6. None appeared on behalf of the promoter for personal hearing dated 28.01.2021 and the Authority has decided to proceed further against the promoter Ex-parte. As the project got registered with the Haryana Real Estate Regulatory Authority, Gurugram vide RC no. RC/REP/HARERA/GGM/321/53/2019/15 dated 01.04.2019. But on the date of advertisement the application for project registration was under process and RC was granted on 01.04.2019 i.e., within a week time after the advertisement. Hence the Authority has taken a softer view towards the promoter and decided to impose a penalty of Rs 10 lakh on the promoter for violation of Section 3(1) of the Real estate (Regulation and Development) Act, 2016 which shall be deposited with the Authority and shall be credited in the government account within a prescribed period as per rules.


(Samir Kumar)
Member


(Dr. KK Khandelwal)
Chairman

Haryana Real Estate Regulatory Authority, Gurugram
Dated: 28.01.2021