



HARERA
GURUGRAM

Complaint No. RERA-GRG-4160-2020

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

Complaint no. : 4160 of 2020
Date of first hearing : 09.11.2020
Date of decision : 11.02.2021

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

Versus

M/s Countrywide Promoters Pvt. Ltd.
Ot-14, 3rd floor, **Respondent**
Next door parklands,
Sector-76, Faridabad -121004

CORAM:

Shri KK Khandelwal **Chairman**
Shri Samir Kumar **Member**

APPEARANCE:

Mr. Rahul Sharma **Authorized Signatory**
Authorized Signatory **on behalf of the promoter**

ORDER

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

S.No.	Heads	Information
1.	Project name	BPTP Amstoria
2.	Location of project	Sector-102, Gurugram



3.	Total area of project	126.674 acres
4.	Name of the developer	M/s Countrywide Promoters Pvt. Ltd.
5.	Nature of the project	Residential plotted colony
6.	License no.	58 of 2010 and 45 of 2011
7.	Registered/ not registered	Registered
8.	Registration Number	31 of 2020

2. The promoter had given advertisement on the official website of the firm i.e., www.bptp.com for selling of apartments in the project named "BPTP Amstoria" located at Sector-102, Gurugram and further the brochures are also being disturbed for marketing and sale of units in the project. As per the record of the Authority the project was not registered with the Authority at that time when the promoter had published the advertisement.
3. The aforementioned act of publishing an advertisement before registering the project with the Authority is clear violation of Section 3(1) of the Real Estate (Regulation and Development) Act, 2016. 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. Accordingly, a show cause notice no. RERA-GRG-4160-2020 dated 12.10.2020 was issued to the promoter for violation of provisions of Section 3 (1) of the Act ibid and was directed to file the reply to the show cause notice as to why penal proceeding may not be initiated for advertising the project before registering the project with the Authority under Section 59 (1) of the Act ibid. Thereafter, a reply dated 05.11.2020 was submitted by the promoter in the Authority vide Dak Receipt ID 8176/12392 in which the promoter has admitted himself that advertisements published on their official website were related to independent floors (Amstoria floors) falling under residential plotted colony of 126.674 acres and they have registered the project with the Authority vide R.C. No. 31 of 2020 dated 09.10.2020.
5. The authorized representative of the promoter appeared before the Authority and made submissions that reply to the

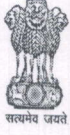


show cause notice under reference No. RERA-GRG-4160-2020 dated 12.10.2020 may be considered and further admitted that the advertisements on the website of their company were related to independents floors (Amstoria Floors) falling under the residentially plotted colony.

6. Further, considering the material facts and documents placed on record, reply of the promoter and the explanation furnished at the time of hearing, the promoter has advertised the project before the registration of the project with the Authority. Therefore, this is clear violation of Section 3 (1) of this Act and this omission of the promoter is punishable under Section 59 (1) of the Act *ibid*. Section 59(1) provides as under: -

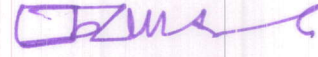
"If any promoter contravenes the provisions of section 3, he shall be liable to a penalty which may extend up to ten per cent. of the estimated cost of the real estate project as determined by the Authority."

7. Hence, the Authority hereby decides to impose a penalty of Rs. 5,00,000/- (5 lakhs) on the promoter under Section 59 (1) of the Act *ibid* which shall be deposited with the Authority and shall be credited in the government account within a prescribed period as per rules. Further the promoter is hereby



directed not to carry any such malpractice in future projects and should mandatorily 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. K.K. Khandelwal)
Chairman

Haryana Real Estate Regulatory Authority, Gurugram
Dated: 11.02.2020

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