

**HARYANA REAL ESTATE REGULATORY AUTHORITY,
PANCHKULA.**

Complaint. No. 1053/2018- Shailesh Gupta & 23 Others
.....Complainants

Versus

Puri Construction Pvt. Ltd.
.....Respondent

Date of Hearing: 08.01.2019 (1st hearing)

Coram: - Shri Rajan Gupta, Chairman.
Shri Dilbag Singh Sihag, Member.

Appearance: - Sh. Arvind Chaudhary, Counsel for Complainants
Sh. Himanshu Juneja, Counsel for Respondent

ORDER:

This complaint has been filed by a group of 24 complainants. They have prayed for revocation of the registration granted to the project of the respondent company vide Registration Certificate No. **HRERA-PKL-FBD-13-2018** dated **04.06.2018**.

2. The complainants alleged that the respondent at the time of marketing of his project was neither the owner of the land nor was authorised to sell the project. He had started the project in 2016 whereas it is only in January, 2018 that the respondent entered into an agreement with the land owner/licensee namely Countrywide Promoters Pvt. Ltd. for



development of the project and for transfer of beneficial interest in his favour. The Director, Town & Country Planning Department, Haryana has granted the approval for transfer of beneficial interest only on 25.05.2018. The complainant also alleged that this approval granted by the DTCP is incorrect, illegal and granted with mala-fide intention. Further, an FIR has been lodged against the respondent by the DTP, Faridabad. A complaint has also been filed before the Economic Offence Wing, Delhi Police.

The complainants further alleged that at the time of filing the application for registration with HRERA, the developer had misled the Authority by stating that they were the owners of the land. The respondent had also stated on its website that the project in question was registered with HRERA vide No.136 of 2017 whereas the project was actually registered in June, 2018 vide No. HRERA-PKL-FBD-13-2018.

Certain misdeeds on the part of the respondent company have been alleged including that after selling the apartments to the complainants at certain rates, the respondent started selling unsold apartments at 50% discounted rate i.e. at Rs.3,750/- per sq. ft. The respondent, therefore, allegedly has been following the practice of price discrimination which is an un-conscionable act, thus is guilty of unfair trade practices. They had approached the respondent for remedial action, and had also approached the National Consumer Dispute Redressal Commission, New Delhi. The

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application before the National Consumer Dispute Redressal Commission, New Delhi, however, has been dismissed as withdrawn.

The complainants seek revocation of the registration granted to the respondent's project. They also pray that the amount collected by the respondent from the home buyers should be secured and adequate compensation should be awarded to the complainants.

3. In response, the respondent states that there are 309 allottees in the project out of which 24 allottees have approached this Authority by way of this complaint. This complaint is frivolous and vexatious, therefore, it deserves to be rejected at the outset. This complaint has been filed under Section 7 of the RERA, Act, 2016 but none of the conditions of that section are being fulfilled.

Regarding the details submitted in the application for registration, the respondent had disclosed all the facts relating to the land and the license to the Authority and those facts were in the full knowledge of the allottees. The respondent further states that at the time of launch of the project in 2013, the Department of Town and Country Planning, Haryana did not have any policy for change in beneficial interest in the projects. The respondent was duly authorized by the owner of the license to carry out the construction of the project and sell the apartment on their own. However, the Department notified the Policy on 18.02.2015, under which the respondent were granted permission for change in beneficial interest.



Accordingly, the respondent company is fully compliant with the laws, rules and instructions of the State Government and is a perfectly legal entity to develop the project.

Regarding the uploading of wrong registration certificate, it was a clerical error committed by the agency handling their website which was subsequently rectified.

Regarding the differential pricing, the respondent states that Statute itself has provided liberty to the promoters to sell apartments at different prices. In support, learned counsel for respondent cited the provision of Rule 3 (3) of HRERA, Rules, 2017. Further, the respondent stated that till 2016 only 167 apartments out of the 512 were sold. In order to complete the project in time, a limited number of additional units were put on flash sale by offering discount for a period of two months in September, 2016. It was necessary to raise the funds quickly in the interest of the project and the allottees and by doing so they have not violated any law.

4. The Authority has perused the submissions of both the parties. It observes that the respondent had disclosed all relevant information to the Authority at the time of filing their application for registration. They did not misrepresent in any manner. They are authorized developers of the project in question by virtue of their agreement made with the land owner/licensee which in turn has been duly recognised by the State Government of



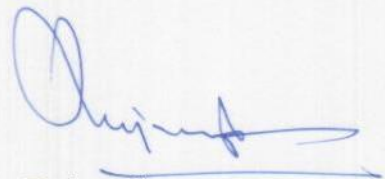
Haryana by way of granting them permission for change in beneficial interest. Regarding differential pricing, there is no provision in the law which prohibits a developer from giving discount to any allottee or a class of allottees. Every developer is free to take its own decision with regard to pricing of the apartments. The developers are free to sell apartments at lesser cost to any person. Many a times decisions like offering flash discount have to be taken for raising funds for the project in the overall interest of the project and the allottees. In fact, differential pricing is supported by the cited provisions of the Rule 3(3) of HRERA, Rules, 2017.

5. For the foregoing reasons, this complaint is **dismissed**. The findings, in this order, however, shall not have any bearing on the complaints filed by these complainants before this Authority under Section 18 of the RERA, Act, 2016. Those matters shall be decided on their own merits.

Disposed of. Orders be uploaded on the website of the Authority and the file be consigned to record room.



Dilbag Singh Sihag
Member



Rajan Gupta
Chairman