HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 1081 of 2020

HRERA, Panchkula ....COMPLAINANT(S)

VERSUS

Parsvnath Developers Ltd. ....RESPONDENT(S)

CORAM: **Rajan Gupta** **Chairman**
Anil Kumar Panwar **Member**
Dilbag Singh Sihag **Member**

Date of Hearing: 30.06.2021

Hearing: 4th

Present: - None.

ORDER (Rajan Gupta- Chairman)

1. This suo-motu complaint was registered in respect of registration certificate no.132 of 2017 dated 28.08.2017 granted in respect of a group housing project namely "Parsvnath Preston" measuring 6.73 acres which expired on 31.12.2019.

2. The Authority vide its orders dated 04.11.2020 had observed that: -

*"****Reply has now been received from the promoters stating that they will file an application for extension of the registration. They also stated that six*

towers were to be constructed in the project out of which construction work has commenced in three towers. Construction of remaining three towers is yet to be commenced. Even on the two towers under construction only structural work of five floors has taken place.

3. In brief, the position is that at present the project is far from complete. It is an ongoing project in which 271 apartments have been sold out of 392 total apartments proposed to be constructed. It appears that even after extension of time on account of COVID-19 situation, the project may not be completed in time.

4. Keeping in view the above facts, the Authority decides as follows: -

i. The promoter are prohibited from alienating any more apartments till further orders of this Authority.

ii. On the next date of hearing, a senior representative of the company shall appear before the Authority and declare their action plan for completion of the project and the funds available with them for this purpose.

iii. Since the project appears to be in a serious difficulty, in case the promoters are not able to satisfy the Authority about likelihood of completion of the project, the Authority may explore possibility of getting the project completed through the Association of allottees or by any other means.

iv. Simultaneously, the Authority directs the Director, Town and Country Planning Department to get the project inspected through the local DTP. In case, they find that promoters have violated the conditions of the license, then they may consider taking it over and complete at their own level in accordance with the amended Section-8 of the Urban Development Act.

3. Thereafter, the matter was listed for hearing on 15.12.2020, wherein the Authority observed as follows: -

"a. Since the promoter has not shown any convincing action plan in respect of this project, the promoter seems to be incapable to complete the project in time.

b. Public notice be issued in daily newspaper for obtaining views of the association of allottees for taking over of the project and completing it at their own level. Said notice shall also be uploaded on the website of the Authority as well as be got pasted/chaspa at the site by the local DTP.

c. Director General, Town and Country Planning should also be asked to take over this project so that the interests of the allottees could be protected. The promoter should also submit a list of all the allottees could be protected.

d. The promoter should also submit a list of all the allottees alongwith their address and statement of accounts showing the amount deposited by each allottee."

4. Today, the Authority observes that although vide orders dated 15.12.2020 it had directed the office to issue a public notice for obtaining the views of the association of allottees for taking over of the project but the DTCP simultaneous brought following information to the notice of the Authority: -

"the site of the said license has been got inspected through DTP Sonipat who has informed that the construction works in 4 number of towers has been raised upto 5th floor and in 2 number of tower upto ground floor. It is further informed that the construction work has been stopped at site for last one year. It is also informed that the said construction work executed by the colonizer is in the licensed area of license no. 1205 of 2006 and the area of license no. 1206 of 2006 is vacant. The license no. 1205-1206 of 2006 was valid upto 05.10.2017.

The colonizer has not applied for further renewal of license. The colonizer has fully paid EDC and IDC.

Further, it is informed that the colonizer has requested for surrender of entire land measuring 6.73 acres of license no. 1206 of 2006 for which this department has issued in-principle approval on 11.02.2020. The compliance of in-principle approval is under consideration for final approval of surrender of license."

5. Since, out of 392 apartments that were proposed to be constructed, 271 have already been sold therefore, the Authority directs the CTP to write to the Director, Town & Country Planning that before accepting the request of surrender of license of area measuring 6.73 acres forming part of license no. 1206 of 2006 they should appropriately consider the interest of allottess in view of the fact that almost 70% apartments have already been sold. The Town and Country Planning Department is as much responsible to watch the interest of allottees as well.

6. Adjourned to **18.08.2021**.

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RAJAN GUPTA
[CHAIRMAN]

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ANIL KUMAR PANWAR
[MEMBER]

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DILBAG SINGH SIHAG
[MEMBER]

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