

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

Complaint no. : 2552 of 2020  
Date of first hearing : 25.09.2020  
Date of decision : 26.02.2021

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

**Complainant**

Versus

M/s Stadia Infrastructure Pvt Ltd  
L-7/3, Ground Floor, DLF City,  
Phase-II, Gurugram, 122002

**Respondent**

**CORAM:**

Shri KK Khandelwal  
Shri Samir Kumar

**Chairman  
Member**

**APPEARANCE:**

Sh. Pardeep Seth (Director)  
Sh. MK Dang (Advocate)

**Authorised person on  
behalf of respondent**

**ORDER**

1. The present matter relates to the violation of section 3(1) of the Real Estate (Regulation and Development) Act, 2016 wherein it is inter alia prescribed that no promoter shall advertise, market, book, sell or offer for sell 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 the Act.

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

S.No.	Heads	Information
1.	Project name and location	County Homes, Sector-64, Gurugram
2.	Name of the developer	M/s Stadia Infrastructure Pvt Ltd
3.	Nature of the project	Group Housing
4.	Area of plot/ project	1 kanal (605 sqyd)
5.	Details of plot	Khewat No. 166, Rect No 30, Killa No 15/1
6.	No. of units in the project	25
7.	Registered/ not registered	Not registered

3. The promoter has given advertisement on the real estate marketing site i.e., housing.com, realestateindia.com etc. for selling of apartments in the project named "County Homes" and further some apartments have already been sold.



However, it was also observed that RERA registration number/website address, which is a mandatory condition precedent to market, advertise or to sell any real estate project were not mentioned in any of the advertisements. 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 from registration under section 3(2)(a) of the Real Estate (Regulation and Development) Act, 2016.

4. As per section 3(1) of the Real Estate (Regulation and Development) Act, 2016, prior registration of real estate project with the Real Estate Regulatory Authority is mandated. However, the promoter has not applied for registration of their real estate project with the Haryana Real Estate Regulatory Authority, Gurugram upto 13.03.2021. This advertising, marketing, booking, selling or offering for sell or inviting 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 is violation of 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.*

5. Accordingly, a show cause notice no. RERA-GRG-2552-2020 dated 31.08.2020 was issued to the promoter for non-registration of their project.
6. The promoter had submitted a reply in the authority on 13.10.2020, 26.10.2020 and 25.11.2020 stating that the company has purchased the said property situated in the revenue estate of village Medawas, Gurugram as fully constructed property from Sh. Dharam alias Dharam Veer S/o Sh. Harbhajan vide sale deed dated 05.06.2014. After that they enquired from the competent authority whether any occupation certificate can be granted, where it transpired that neither any building plan nor the occupation certificate can be granted for land situated in village area. However, the previous



owner had obtained the no objection from the Gram Panchayat before commencement of construction. They have further stated that only 12 units are sold out of 24 units in the project which are sold in the year 2014 itself. The promoter has also submitted that as the building is purchased as built up building in 2014, therefore no construction took place except the renovation or some repairing work in the building. Further no booking/allotment was done after the year 2015 and not even any advertisement for sale of units was issued by the promoter. The copy of sale deed of the property and no objection taken from Gram Panchayat has been attached with the reply.

7. The authorized representatives on behalf of the promoter appeared before the authority and made submissions that reply dated 13.10.2020, 26.10.2020 and 25.11.2020 to the show cause notice under reference No. RERA-GRG-2552-2020 dated 31.08.2020 may be considered. The AR further submitted that the company has purchased the property as built up property in the year 2014 and no unit have been sold after 2015. Further, the promoter failed to provide the necessary documents regarding the occupation



certificate/completion certificate of the project and the advertisements are available on online portals regarding the project. The area of project is more than 500 sqm and number of units in the project are also more than eight.

8. On consideration of the circumstances, the evidence and other record and submissions made by the promoter during the course of hearings, the authority is satisfied that the promoter has violated the provisions of section 3(1) of the Real Estate (Regulation and Development) Act, 2016. This omission of the promoter is punishable under section 59 (1) of the Act *ibid*.

Section 59(1) of the Act is reproduced below: -


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

9. Thereafter, the authority in the light of the above-mentioned reasons taking a lenient view decided to impose a penalty of Rs. 1,00,000 (one Lakh) 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.

Further, the promoter is directed to file an application for registration of project.

10. The promoter has also requested to defreeze the bank account of the project. Hence the bank account of the project will be defreezed once the promoter deposits the penalty amount in the authority.
11. The matter stands disposed off.

  
(Samir Kumar)  
Member

  
(Dr. KK Khandelwal)  
Chairman

Haryana Real Estate Regulatory Authority, Gurugram  
Dated: 26.02.2021

**HARERA**  
GURUGRAM

