



## HARYANA REAL ESTATE REGULATORY AUTHORITY, PANCHKULA.

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**Extract of the resolution passed by the Haryana Real Estate Regulatory Authority, Panchkula in its meeting held on 12.06.2023.**

### Item No. 215.20

**Request for Restoration of Project Registration No. HRERA-PKL-FBD- 373-2022 dated 04.11.2022 of Ferrous Megapolis City Phase 1, under the list of "Registered Projects "on the website of the Ld. Authority.**

1. M/s Ferrous Township Pvt. Ltd. vide letter dated 06.06.2023 has stated that:

*In continuation to our letter dated 5 June 2023 and in reference to Appeal No. 778 of 2022 titled "Chandra Auto Engineers Pvt. Ltd & Anr. Vs. HRERA Panchkula & Ors.", wherein vide order dated 10.11.2022 the Hon'ble Haryana Real Estate Appellate Tribunal directed the Respondent No. 1 i.e Ld. HRERA, Panchkula to keep that registration certificate dated 04.11.2022 in abeyance till the next date of hearing. Relevant portion of the order dated 10.11.2022 is reproduced herein below.*

*"Let notice of the present appeal be issued to the respondents for...  
14.12.2022*

*Till then, the operation of the impugned order dated 31.10.2022 and the registration certificate dated 04.11.2022 be kept in abeyance"*

*Immediately after passing of this order, the Ld. Authority passed a resolution in Item No. 193.05 dated 12.12.2022 whereby the Registration of the Project 'Ferrous Megapolis City Phase 1' was shifted from the list of "Registered Projects" to the list of "Defaulter/Cancelled/Suspended/Abeyance Projects" and placed the registration certificate in abeyance, in compliance of the order of Hon'ble Tribunal till the next date of hearing.*

*That thereafter vide order dated 14.12.2022, 12.01.2023 and 16.02.2023 directions were passed by the Hon'ble Tribunal for the interim order dated 10.11.2022 to be continued till the next date of hearing. The relevant portion of the order dated 16.02.2023 is reiterated herein below:*

*"Now the case stands adjourned to 17.03.2023. Till then, interim order dated 10.11.2022 would continue."*



*In the meanwhile, the Ld. Authority filed its reply before the Hon'ble Tribunal wherein it has been reiterated that the full bench of Ld. Authority has duly granted the registration of the Project in accordance with the RERA Act, 2016. It is quite clear that the interim stay was only operational till 17.03.2023 and not thereafter.*

*Subsequent whereof, hearings were held on 17.03.2023, 29.03.2023, 21.04.2023 and 30.05.2023 wherein the Hon'ble Tribunal did not continue with any interim stay on the registration or continue with the interim orders dated 10.11.2022 or impose any further stay.*

*It is also pertinent to mention that on the latest hearing dated 30.05.2023, the Appellant tried to impress upon the Hon'ble Tribunal that the interim stay maybe imposed or order of the date of 10.11.22 be continued and also alleged allotments) were made by Respondent 2 (Ferrous Township), which was strongly controverted by Ferrous Township Pvt. Ltd.. That the Hon'ble Tribunal after hearing the parties, did not reinstate any fresh stay or continue with the Interim orders dated 10.11.2022.*

*However, it is observed that, despite there being no stay by the Hon'ble Tribunal since 17.03.2023 the Ld. Authority has continued to list the registration of the Project- Ferrous Megapolis City Phase 1 with Certificate bearing no. HRERA-PKL- FBD-373-2022 under the list of "Defaulter/Cancelled/Suspended/Abeyance Projects" on the website of the Ld. Authority, which is contrary to the proceedings of the Hon'ble Tribunal. It is most humbly submitted that the delay in restoration is not only causing unnecessary hardship to the applicant but also is against the interest of allottees.*

*Therefore, in light of the proceedings before the Hon'ble Tribunal dated 17.03.2023, 29.03.2023, 21.04.2023 and especially on 30.05.2023 the Registration of Project Ferrous Megapolis City Phase 1 may be restored to the list of "Registered Projects" and the registration certificate reinstated to its original status, as has been mandated.*

2. Authority observes that Hon'ble Tribunal has kept in abeyance the order of Authority dated 31.10.2022 and the registration certificate dated 04.11.2022 on 10.11.2022 in Appeal No. 778 of 2022. As per order of Hon'ble Tribunal dated 16.02.2023 "interim order dated 10.11.2022 would continue and case was adjourned to 17.03.2023." In its order dated 17.03.2023, Hon'ble Tribunal did not pass any order regarding continuation of "interim order dated 10.11.2022". In the subsequent orders dated 29.03.2023, 21.04.2023 and 30.05.2023, no orders has been passed by Hon'ble Tribunal regarding continuation of stay passed by Hon'ble Tribunal vide interim order dated 10.11.2022.

Ld. Counsel/ representative of promoter contended that:-

- i. Hon'ble Supreme Court in Civil Appeal No. 324 of 2007 decided on 23.01.2007 in the case of Ashok Kumar and other Vs. State of Haryana and another has held that :  
*"There is no warrant for the proposition, as was stated by the High Court that unless an order of stay passed once even for the limited period is vacated by an express order or otherwise; the same would continue to operate.*  
(para 18)

*The term of the order of the Civil Judge makes it clear that the interim order was only extended from time to time. The interim order having been extended till a particular date, the contention raised by the respondents herein that they were under a bona fide belief that the injunction order would continue till it was vacated cannot be accepted."*  
(para 12)

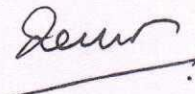
- ii. In another Civil Appeal No. 3573 of 2008 decided on 14.05.2008 titled Arjan Singh Vs. Punit Ahluwalia & Others, Hon'ble Supreme Court held that:

*"If the order of injunction was operative up to a particular date, technically the order of injunction shall not remain operative thereafter. The High Court rightly held that no order of injunction was operative."*

3. Reading of various orders of Hon'ble Tribunal in Appeal No. 778 of 2022 imply that order dated 10.11.2022 was operative up to 17.03.2023 and was not extended specifically thereafter. Thus, no stay is operative after 17.03.2023 in the matter as per settled law by Hon'ble Supreme Court in various judgments.

4. Authority is of the opinion that the judgments of the Apex Court squarely apply here also. It cannot be said that an interim order passed for a limited period would continue automatically, if for one or the other reason the case could not be taken up by the Court. If Court has passed interim order for a limited period, unless that order is extended, it would not continue automatically. Authority, therefore, resolves to restore the order dated 31.10.2022 and registration certificate bearing No. HRERA-PKL-FBD-373 dated 04.11.2022.

True copy



Executive Director,  
HRERA, Panchkula



A copy of the above is forwarded to CTP, HRERA Panchkula, for information and taking further action in the matter.

CA (Rameet)  
Rameet Kaur  
1.1.23