



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 11.12.2023.

Item No. 235.15

Application for removing the project "Ferrous Megapolis City Phase 1" from the list of defaulter/cancelled/suspended/abeyance project and to take on record judgment dated 09.11.2023 passed in CWP no. 25226 of 2013.

Promoter: M/s Ferrous Township Pvt. Ltd.

Project: "Ferrous Megapolis City Phase 1".

Reg. No: HRERA-PKL-FBD-373-2022 dated 04.11.2022.

Present: Ld. Counsel Sh. Venkat Rao appeared on behalf of promoter.

1. M/s Ferrous Township Private Limited vide letter dated 06.12.2023 has submitted that project namely "Ferrous Megapolis City Phase 1" was registered by the Authority vide order dated 31.10.2022 and registration certificate bearing no. HRERA-PKL-FBD-373-2022 dated 04.11.2022 was issued for said project. Post approval of the registration, Chandra Auto Engineers Pvt. Ltd. and D.D. Sales Corporation (collectively referred as Appellants) preferred an Appeal before Hon'ble Haryana Real Estate Appellate tribunal, bearing appeal no. 778 of 2022 titled as "Chandra Auto Engineers Pvt. Ltd. & Anr. Versus HRERA Panchkula & Anr." against the order dated 31.10.2022 on the basis that the Authority granted registration while the case pertaining to Sanad Takseem i.e. partition of the land parcel of License no. 5 of 2012 dated 24.01.2012 was still pending before Hon'ble High Court of Punjab and Haryana.

2. The partition of the land was challenged by the appellants in CWPs: 25226-2013, 22174-2013, 20448-2013 and 22145-2013.

3. Hon'ble Appellate Tribunal vide order dated 10.11.2022 gave a direction to keep in abeyance (interim stay) the operation of the impugned order dated 31.10.2022 and the



registration certificate dated 04.11.2022. In accordance with direction issued by Hon'ble Tribunal, Authority vide resolution dated 12.12.2022 resolved to keep in abeyance the order dated 31.10.2022 and RC dated 04.11.2022 and the promoter's ID was removed from the list of registered projects.

4. The interim stay imposed vide order dated 10.11.2022 was operational till 17.03.2023. Said appeal was listed for hearings on 17.03.2023, 29.03.2023, 21.04.2023 and 30.05.2023. However, on said dates the Hon'ble Tribunal did not pass any directions with respect to further continuance of interim stay. The promoter made an application dated 05.06.2023, 06.06.2023 and 08.06.2023 before this Authority requesting to restore the status of the registration certificate.

5. Authority after considering the application of the promoter, vide resolution dated 12.06.2023 resolved to restore the order dated 31.10.2022 and RC dated 04.11.2022.

6. Post restoration of the registration of the project, appellants raised objections with respect to restoration of the RC before Hon'ble Tribunal. Hon'ble Tribunal vide order dated 28.07.2023 directed the parties in the appeal to appear before Authority on 01.08.2023 and it was directed that a fresh decision shall be taken by the Authority.

7. The Authority afforded an opportunity to both the parties and hearing was scheduled on 21.08.2023 wherein Authority observed that since interim stay was operational till 17.03.2023 and post 17.03.2023 no specific directions were given by Hon'ble Tribunal with respect to continuance of stay, there appears to be no legal impediment in restoring the RC. However, the Authority keeping in view the principle of judicial propriety kept the registration certificate granted to the promoter in abeyance.

8. Hon'ble Punjab and Haryana High Court vide order dated 09.11.2023 has dismissed the above mentioned CWPs, therefore the relief sought by the appellants and the appeal preferred by them has become infructuous. It has been submitted that only because of the pending appeal before Hon'ble Tribunal, the RERA RC has been kept in abeyance by this Authority due to principle of judicial propriety. It has been requested that in view of order dated 09.11.2023 passed by Hon'ble High Court, order dated 31.10.2022 passed by the Authority granting registration and RC dated 04.11.2022 be restored else the development of the project shall be delayed and resultantly the allottees shall suffer irreparable loss.

9. Authority observes that though, there was no specific stay continuing, but keeping in view the principle of judicial propriety, registration certificate dated 04.11.2022 was kept in



abeyance. Hon'ble Punjab & Haryana High Court vide orders dated 09.11.2023 has dismissed the CWP No. 25226-2017 (O&M) and other connected petitions relating to the licensed land. Therefore, taking into consideration the interest of allottees who have invested their hard earned money in the project and are waiting to get their allotted units/ plots, RC No. HRERA-PKL-373-2022 dated 04.11.2022 is restored for construction and development activities. However, there will be complete ban on sale, marketing and advertisement of the project. No further third party rights are to be created till next date of hearing i.e. 05.02.2024.

True copy



[Handwritten signature]
19/12/23

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Executive Director,
HRERA, Panchkula

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

LA (Ashima)