



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 31.08.2020.

Item No. 107.12

- (iii) Promoter : Gopal Hitech Infra Developers Pvt. Ltd.
Project : "Maruti Kunj, Phase-1" Residential Plotted Colony to be developed over an area measuring 22.82 acres in Sector-24, Dharuhera, Rewari.
Temp ID : RERA-PKL-783-2019

AND

- (iv) Promoter : Gopal Hitech Infra Developers Pvt. Ltd.
Project : "Maruti Kunj, Phase-2" - Affordable Residential Plotted Colony under DDJAY on land measuring 14.96 acres situated in Sector-24, Dharuhera, Rewari.
Temp ID : RERA-PKL-799-2020

AND

- (v) Promoter : Gopal Hitech Infra Developers Pvt. Ltd.
Project : "Maruti Kunj, Phase-3" - Affordable Residential Plotted Colony under DDJAY on land measuring 12.31 acres situated in Sector-24, Dharuhera, Rewari.
Temp ID : RERA-PKL-800-2020

Present: Sh. Vikas Bishnoi and Sh. Ashok Kumar Gupta
Directors of the Company, Sh. K.L. Bishnoi,
Authorized Representative of the Company, Sh.
Vanket Rao, Counsel for Sh. Ashok Kumar
Gupta, Sh. C M Sharma, CFO, and Sh. Tanay
Pareek, counsel for M/s Unique Mantra Reality.



1. Sh. Krishan Lal Bishnoi, who claims to have been authorized by the board of directors of the applicant company states that previous observations of the Authority to submit two General Power of Attorneys of the two remaining land owners namely Smt. Neelam Devi and Sh. Bhagat Singh will also be submitted.

2. Sh. Venket Rao, Counsel for Sh. Ashok Kumar Gupta, one of the two Directors of the company and Sh. Ashok Kumar Gupta, director himself are present in the Court today. They stated that there are only two directors in the company namely Sh. Vikas Bishnoi and Sh. Ashok Kumar Gupta. Sh. Vikas Bishnoi had executed certain agreements with the land owners in the years between 2012 & 2014. It had been agreed in those agreements that certain liabilities will be discharged by the promoter company M/s Gopal Hitech Infra Developers Pvt. Ltd. towards the land owners. Since, those obligations have not been discharged a dispute has arisen between the developer company and some of the land owners.

The argument of Sh. Ashok Kumar Gupta, Director put forth by Sh. Rao is that without clearance of the already incurred liabilities towards the land owners, application for registration of the project should not have been filed. Further, proper authorization has not been granted by the Board of Directors of the company to go ahead with the project and to file this application for registration. He states that the application is unauthorized as it is not supported by a resolution of the Board.

3. Contradicting the contention of Sh. Ashok Kumar, Sh. Krishan Lal Bishnoi, claimed representative of the company states that the Board of Directors of the company had passed a resolution which was sent to Sh. Ashok Kumar Gupta for signatures, but he refused.

4. The Authority observes that if resolution was not approved by one of the two directors, it cannot be called a lawful resolution. If a dispute has arisen between the directors, that must be resolved in accordance with the provisions of company law.



5. Sh. Tanay Pareek, who is present on behalf of a Lender company M/s Unique Mantra Realty states that they have granted a loan of Rs. 2.25 crores to the applicant company as a refundable security deposit. Accordingly, this money is an outstanding liability which the applicant has not disclosed in his application. For this reason, he prayed for rejection of the application.

6. The Authority has considered the arguments put forth by all the parties and observes that this application cannot be considered at this stage because one of the two directors has strongly objected to it, for which reason it can be said that Sh. Krishan Lal Bishnoi does not have a lawful authorization from the board of directors of the company to pursue this application. Mere signature of one of the Director will not make it a lawful resolution. For this reason alone, the Authority proposes to reject the application for which a show-cause notice is hereby issued as to why this application for registration be not rejected as being not authorized by the board of directors.

7. Regarding the contention of Sh. Tanay Pareek, the Authority observes that it has no authority to direct any applicant of a project to fulfil their liabilities towards its lenders. If there are any liabilities or encumbrances on the project, the same have to be disclosed in the application for registration. The Authority directs the promoter that if they decide to file the application again, in that application, the information regarding outstanding liabilities against the project will be disclosed.

8. To come up on 28.09.2020 to decide on the show cause notice to the applicant as to why this application should not be rejected for the aforesaid reasons.



- 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.

4/9/20

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