



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 28.09.2020.

Item No. 110.13

(v) 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

(vi) 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

(vii) 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.
Vinod S Bhardwaj, counsel for Sh. K.L.
Bishnoi, Sh. Vanket Rao, counsel for Sh. Ashok



**Kumar Gupta, Sh. Tanay Pareek, counsel for
M/s Unique Mantra Reality.**

1. This matter was last considered by the Authority on 31.08.2020 vide Agenda Item No.107.12 (iii to v). Detailed speaking order was passed. One of the relevant paragraphs No.6 of the said order is reproduced below:-

"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 has not got 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 the resolution 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.

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.

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."



2. Today, Shri Venket Rao, counsel for the Director Shri Ashok Kumar Gupta and Shri Vinod S Bhardwaj, Counsel for Director Shri Vikas Bishnoi are present.

3. Ld. Counsel, Shri Vinod S. Bhardwaj drew the attention of the Authority towards three resolutions of the same date i.e.12.7.2019 adopted at the same time i.e.11.00 AM and at the same venue. Vide the first resolution, Shri Jyoti Sidana S/o Shri Raman Kumar Sidana has been shown to have been authorised by the Board of Directors of the company to file and pursue these applications for registration of the projects named Maruti Kunj-1, Maruti Kunj-2 and Maruti Kunj-3. Vide second resolution of the same date and time, Shri Yogesh Kumar has been shown to have been authorised for the same purpose of filing and pursuing these applications for registration of the same projects. Vide the third resolution of the same date and time, Shri K.L. Bishnoi S/O Late Shri Devi Lal has been shown to be authorised for filing and pursuing the applications for registration of the projects.

Learned counsel Shri Vinod S Bhardwaj argued that that Board of Directors of the company in exercise of their lawful powers had delegated their Authority to the aforesaid three persons for filing and pursuing all applications for registration of the projects. Accordingly, these applications have been filed in pursuance of a lawful resolution of the Board of Directors, therefore, the same should be considered by this Authority in accordance with law.

4. Arguing on behalf of the Director Shri Ashok Gupta, learned counsel Shri Venkat Rao argued that only one resolution vide which Shri K.L. Bishnoi was authorised to file an application is a genuine resolution and the other two resolutions are forged documents. He also draw the attention of this Authority towards letter dated 14.03.2020 jointly signed by both the Directors of the company Shri Vikas Bishnoi and Ashok Kumar Gupta, enclosing therewith a resolution of the Board of Directors dated 14.03.2020. The said resolution of the Board of Directors dated 14.3.2020 is reproduced below:



"Board discussed that company were in the process of filling RERA applications in RERA dept and had assigned/ outsourced handed over the task along with supporting documents, demand drafts, time to time to some persons. However, as there were pending formalities, we had asked him to change details before submission and later on we got to know that wrong information had been submitted without due authorization from the company. Now company wish to withdraw all above applications with immediate effect. After discussions, the Board unanimously:

RESOLVED THAT applications of project Id: rera-pkl-proj-783/2019, rera-pkl-proj-799/2020 and rera-pkl-proj-800-2020 of Gopal Hitech Infra Developers Pvt. Ltd shall be withdrawn with immediate effect and Mr. Vikas Bishnoi and/or Mr. Ashok Kumar Gupta, Director of the company is/are authorized to submit withdrawal application in RERA, Panchkula"

5. Learned Counsel, Shri Venkat Rao argued that this application cannot be prosecuted in view of the resolution dated 14.3.2020 vide which it has been decided by the Board of Directors to withdraw the applications. He further challenged the arguments put forth by the opposite counsel Shri Vinod S Bhardwaj by posing a question that whether Shri Bhardwaj is representing the Board of Directors of the company or he is representing a delegate of the company? Evidentially, Shri Bhardwaj is not representing the Board of Directors of the company because the Board had resolved to withdraw the applications for registration of the projects. Shri Rao argued that Sh. Bhardwaj apparently is representing one of the delegates of the Board who in the face of resolution dated 14.03.2020 has no locus-standi whatsoever to pursue this matter before this Authority.



6. The Authority has gone through the arguments of both the sides. It decides not go into the argument of genuineness or otherwise of the two alleged resolutions dated 12.07.2019 authorising Shri Jyoti Sidana and Shri Yogesh Kumar to peruse these applications in this regard. The respective parties may pursue their remedies with the police in accordance with law.
7. Both the parties, however, admit that the third resolution dated 12.07.2019 authorising Shri K.L. Bishnoi is a genuine resolution. This genuine resolution, however, stands withdrawn/ cancelled vide a subsequent resolution dated 14.03.2020. By virtue of the subsequent resolution the authority conferred upon Shri K.L. Bishnoi to pursue this application stands cancelled.
8. It has already been recorded in detail in the earlier orders dated 31.07.2020 of this Authority that serious dispute is going on between both the Directors in regard to implementation of the project and for pursuing this application for registration of the project. Accordingly, it can safely be concluded that granting registration at this stage may seriously jeopardise the investment which may be made by the prospective allottees. This Authority has been created primarily to safeguard the interests of the allottees and to regulate the development of real estate projects. The future of this project is uncertain in view of the serious dispute going on between both the Directors. Further, at present the application filed before the Authority cannot be called an application filed by an authorised person. For these reasons, these applications deserve to be rejected. A show cause notice in this regard has already been given by the Authority in its orders dated 31.08.2020.
9. When the Authority was going to order rejection of the applications, both the learned counsels on the advice of their clients made a request for 15 days' time in order to let both the Directors to resolve their dispute.



10. Adjourned to 12.10.2020. If a satisfactory resolution of the matter is not presented on the next date, these applications shall stand rejected.

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.




5/10/20

LA(Divya)

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