



**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 25.10.2021.**

**Item No. 155.09**

(ii) Promoter : Ferrous Infrastructure Pvt. Ltd.

Project : "Ferrous Beverly Homes" – Group Housing Colony on land measuring 11.85 Acres situated in Sector-89, Faridabad.

Temp ID: RERA-PKL-748-2019

1. During hearing dated 13.09.2021, the Authority had observed as follows:

*"On 27.01.2020, the Authority had directed the promoter to deposit pending fee amounting to Rs.5,84,028/-, penal fee amounting to Rs. 22,14,048/-and cost of Rs. 3 Lakhs. Later on, 24.02.2020 the Authority granted adjournment subject to payment of further cost of Rs. 1.00 Lakh. The said fee/costs have not been deposited by the promoter till date."*

2. On 06.09.2021, the Authority had observed that:

2. It is the responsibility of the promoter to fulfil all the requirements of law for getting their licence renewed. On account of dispute relating to small amount of Rs. 26.00 lakh of renewal fee with department, promoters are not getting their licence renewed, as a result registration of the project is held up and numerous allottees are suffering.

3. Shri Sourabh Goel Learned Counsel for the promoter stated that he needs to seek instructions from his client regarding the deposition of renewal fee of Rs. 26.00 lakh with the Town &





*Country Planning Department for renewal of licence. Learned Counsel sought a short adjournment for this purpose."*

4. *After considering the reply and arguments put forth by the counsel, the Authority directed the counsel to be present along with the promoter on the next date of hearing and reiterates that the registration fee and late fee/penalty as ordered by the Authority should be paid by the next date. Without payment of requisite fee their application for registration cannot be entertained.*
3. *In compliance of the above orders, the applicant/promoter has submitted a reply dated 10.09.2021 mentioning:  
"That the respondent had applied for renewal of license on 01.12.2020 with a request that required license renewal fee may kindly be deducted from the interest amount of Rs.13.52 crore payable to Ferrous Infrastructure for Dharuhera Project under license no. 202 of 2007. Despite several opportunities granted to DTCP to expedite renewal of the license, the License has not been renewed till date."*
2. The Authority observes that apparently license of promoter's company is not being considered for renewal by the office of DTCP because respondent company is failing to deposit remaining due renewal fees amounting to Rs.26.00 lakhs. Stand of respondent company is that they have to recover huge amount of interest from the Town & Country Planning Department, therefore, renewal fees should be deducted by the department from amounts payable to them.
3. Authority has considered this matter. It observes that system in the State Government does not work in the manner being projected by respondent promoter. Government does not maintain account of individual /persons, like that of a bank. Claims of Government in respect of payable renewal fees is a separate subject and the same is creditable into receipt head of the Government. Similarly, if a person claims money to be recovered from Government, a separate decision has to be taken for payment of the money.





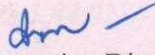
4. Authority observes that, it is a huge project involving hundreds of allottees. Authority considers that by not depositing small amount of Rs.26.00 lakhs with State Government, the promoter licensee is deliberately avoiding to get their license renewed. For the want of renewal of license their application for registration of project also cannot be considered. The Authority tentatively observes that it is a deliberate attempt on the part of the promoter to avoid registration of the project. This as such will constitute violation of Section 3 of the Act thus making them liable for action under Section 59.

5. The applicant promoter should complete all formalities for renewal of license by next date, failing which Authority will consider initiating action under Section 59. A detailed reply should be submitted by promoter in support of their contentions.

6. Adjourned to 13.12.2021.

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.

~~LA(Indu)~~ 9/11/21

LA(Indu)