



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 27.09.2021.

Item No. 151.17

(iii) **Promoter :** TDI Infrastructure Ltd.

Project : 'TDI City' a plotted colony on land measuring 171.15 acres (forming part of a larger colony measuring 1098.650 acres) situated in Kundli, Sonapat.

Temp ID: RERA-PKL-453-2019.

Present : Sh. Shubnit Hans, Counsel for the promoters through video conferencing.

1. The Authority vide its orders dated 11.11.2019 had observed that a fee of Rs. 76,52,370/- is payable by the promoters as registration fee against which they had paid only 30 lacs and in furtherance last opportunity was granted to deposit the same. Further, the Authority had decided that since the promoter has caused delay in filing online application beyond October, 2018, therefore as per agenda item no. 65.9, they are liable to pay an additional fee upto 50% of registration fee for first six months and same amount for every six months thereafter. Thereafter, the Authority vide orders dated 13.01.2020 rejected the request of the promoter for waiver of the penalty amount.

2. However, the applicant/promoter filed an appeal before Hon'ble Appellate Tribunal against the orders of the Authority dated 11.11.2019 and 13.01.2020. The appeal got disposed of vide orders dated 20.09.2021 as reproduced below:-



".....2. The appellant/Promoter has preferred this appeal against the orders dated 11.11.2019 and 13.01.2020 passed by the learned Authority. Vide impugned order dated 11.11.2019, the learned Authority has imposed the additional fee of Rs.76,52,370/- by relying upon the resolution/agenda item no.65.9. Vide order dated 13.01.2020, the application moved

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by the appellant/promoter for waiver of double registration fee was rejected.

3. The main grievance raised by the appellant in the present case was violations of the principles of natural justice, non-supplying the copy of the agenda item no.65.9, legal lacuna in adopting the policy of the Haryana Real Estate Regulatory Authority, Gurugram for imposing the additional fee vide agenda item no.65.9 along with other issues.

4. The learned Authority has filed the written communication dated 10.09.2021 with this Tribunal. The relevant part of the aforesaid communication reads as under: -

"(iv) Authority submits that since, appellant promoters do not wish to avail of the benefit granted to them by resolution No.65.9 dated 26.08.2019, their appeal

No.11/MT of 2020 may kindly be allowed with a liberty to the Authority to resume/initiate penalty proceedings against the appellant promoters under Section 59 of the RERA Act for admittedly having violated provisions of Section 3 of the Act."

5. In view of the aforesaid written communication received from the learned Authority, the present appeal is hereby allowed. The impugned orders dated 11.11.2019 and 13.01.2020 passed by the learned Authority are set aside. The case is remitted to the learned Authority with liberty to resume/initiate the penalty proceedings against the appellant in accordance with law, rules and regulations framed thereunder. The learned Authority shall also be guided by the



principles of natural justice before passing the fresh order as required under Section 38 (2) of the Act.”

3. In compliance of the aforesaid orders passed by Hon'ble Tribunal, Authority decides to take action as follows:

- (i) Consider the application dated 5.8.2019 filed vide ID No.RERA-453-2019 by the promoters for registration of their project on land measuring 171.15 acres. Learned CTP shall place the application before Authority for consideration on next Monday i.e. 04.10.2021.
- (ii) To file a suo-motu complaint against the promoters for imposition of appropriate penalty under Section 59 of the RERA Act for having filed their application for registration on 5.8.2019 in respect of their ongoing project whereas as per provisions of Section 3 of the RERA Act the promoters were required to get their project registered within 3 months of coming into force of the Act. Learned CTP shall prepare draft suo-motu notice to be issued to the promoters citing therein details and place it before the Authority for consideration

4. Adjourned to 4.10.2021 for consideration of the application for registration of the project.



True copy

dm
Executive Director,
HRERA, Panchkula

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

anand
5/10/21
LA/Garima)

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