



**HARYANA REAL ESTATE REGULATORY AUTHORITY, PANCHKULA.**

Mini Secretariat (2<sup>nd</sup> and 3<sup>rd</sup> Floor), Sector-1, Panchkula.

Telephone No: 0172-2584232, 2585232

E-mail: officer.rera.hry@gmail.com, hrerapl-hry@gov.in

Website: www.haryanarera.gov.in

**Extract of the resolution passed by the Haryana Real Estate Regulatory Authority, Panchkula in its meeting held on 20.12.2021.**

**Item No. 160.10**

**Consideration of the applications received by the Authority for Registration of New Projects.**

(i) **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

**Present:** Sh. Sourabh Goel and Sh. Ashish Seth for the applicant/promoter.

1. During the hearing dated 25.10.2021, 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.”

2. On 10.12.2021 the applicant submitted a reply dated 27.11.2021 the relevant part is reproduced below:

“Company is developing some other projects besides the present project and our company is struggling hard to manage the funds for making the payments of outstanding government dues pertaining to these projects. In furtherance of this, we have recently made the payment of Rs. 2.18 crores for renewal of license; Rs. 16.86 crores for EDC on 30.09.2021 and Rs. 64 Lacs approx. on 16.11.2021 for some other statutory compliances for our project namely “Ferrous City” at sector-89, Faridabad against Licence no. 34-36 of 2007. It is submitted that due to making said payments, our company is in a state of financial crunch and is unable to pay the license renewal fee as of now for our





*project in question under license no. 229/2007, as has been directed by the Hon'ble Authority though we are very much willing to do the same and have made up our mind to clear the renewal fee on our own. In these circumstances, we therefore need some more time to do the needful. It is also requested to Authority to grant 2 month time for submitting the license renewal fee as per directions of Hon'ble Authority."*

3. Today, Sh. Sourabh Goel and Sh. Ashish Seth appeared before the Authority and requested for two months time for depositing license renewal fee to Director Town and Country Planning Department. They further informed the Authority that project is complete and only EWS flats remains to be constructed. Further, they are yet to recover Rs. 28 Crores form the allottees of apartments but they are not paying the due amounts due to non-renewal of their license and non-registration of project. It was also stated that promoters had requested Town and Country Planning Department to adjust the due amount of license renewal fee out of certain other amounts deposited by them in regard to another project. Learned Counsel also informed that 150 allottees have taken possession of apartments and 55 families are residing in the project.

4. In view of various orders passed by Authority and after consideration of submissions made by Learned Counsel Sh. Sourabh Goel and promoter Sh. Ashish Seth, Authority observes that primary concern of the Authority is to have completed apartments delivered to the allottees. If case of the respondent is that the project is complete except the portion relating to EWS flats, then nothing prohibits them from offering possession to the allottees. Those allottees willing to take possession may do so and other allottees may wait till receipt of occupation certificate. The Authority further observes that renewal of licence at this stage is a mere formality which also can be discharged by depositing a small amount of fee of Rs. 26 lacs. In any case, the respondent company is not precluded from undertaking the construction work of EWS flats, which they have to construct. Without construction of EWS flats, occupation certificate will not be granted to them by Town & Country Planning Department. It is not understood why respondents are refusing to pay remaining small amount of Rs. 26.00 lacs licence renewal fees upfront. Instead, they are incurring a huge liability of paying delay interest to allottees of the project.





Looked at from any angle, it is the respondents only who are at fault by discharging their statutory obligations.

5. In order to protect interests of allottees and to generate their confidence in the project, the Authority directs the respondents as follows: -

- i. The respondents should organise a meeting with all the allottees of the project on 8<sup>th</sup> January, 2022 at 12:00 O'clock at the project site. Progress of the project should be informed to them. Further plan of action for completing remaining works be also brought to their notice. Detailed minutes of meeting should be prepared and submitted before this Authority.
- ii. A representative of Authority will also attend the meeting to note proceedings.
- iii. The promoter should immediately deposit deficient licence fees of Rs.26 lacs. Further, this being an ongoing project, deficient registration fees etc. as recorded in opening paragraphs of this order should also be paid to the Authority without which this application cannot be considered.
- iv. Offer of possession should be made to all the allottees. Those allottees who wish to take possession may do so as per their choice. It should be clearly stated in the letter of offer of possession that the occupation certificate of the project will be obtained in due course of time when remaining portion of the project is also completed. Allottees who do not wish to take possession without receipt of occupation certificate therefore may wait.

6. Adjourned to 17.01.2022.

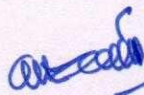
True copy



Executive Director,  
HRERA, Panchkula

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



  
7/1/22  
LA(Indu)