



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 12.06.2023.

Item No. 215.28

(v) Promoter : Maximal Infrastructure Pvt. Ltd.

Project: "Maximal" - Group Housing Colony on land measuring 20.189 Acres in Sector-89, Faridabad.

Temp ID : RERA-PKL-587-2019

Present: Shri Nitesh Jain, Sanjay S. Chhabra and Deepak Aggarwal
Counsels on behalf of applicant/promoter.

AND

(vi) Promoter: ORS Infrastructure Pvt. Ltd.

Project: "Royal Residency" - Group Housing Colony on land measuring 3.456 acres (FAR measuring 35,355 Sq.Mts.) (part of 20.189 acres) in Sector-89, Faridabad .

Temp ID: RERA-PKL-625-2019

Present: Shri Sourabh Goel, Counsel on behalf of applicant and Parveen Khurana Director of Company.

AND

(vii) Promoter : Heritage Cottages Pvt. Ltd.

Project : "Ozone Square Zone-E & EWS" - Group Housing Colony on land measuring 2.064 acres(FAR measuring 21135.94 Sq. Mts.) (part of 20.189 acres) in Sector-89, Faridabad .

Temp ID : RERA-PKL-633-2019

Present: Shri Sourabh Goel, Counsel on behalf of applicant and Sh. Mukesh Gupta and Sh. Deepak Aggarwal, Ld. Counsel on behalf of M/s Maximal Infrastructure Pvt. Ltd.



1. All the captioned registration applications of the said projects actually pertain to a single licensed colony which was to be set up over land measuring 48.03 acres for which 3 licenses No. 34 to 36 of 2007 were granted by Town and Country Planning Department, Haryana. Complex disputes are going on amongst licensee and developer companies from long time.

2. The Authority observes that vide its orders dated 09.05.2023 it reiterated that over the past four years numerous orders have been passed by this Authority in its complaint jurisdiction as well as in its projects jurisdiction. To avoid making this order a bulky one, Authority decides not to reproduce those orders. Simply a reference to some relevant orders passed on the following dates is being made:

- (i) Order dated 30.09.2019 passed by Authority in its 69th meeting vide item No.69.10.
- (ii) Order dated 27.01.2020 passed by Authority in its 84th meeting vide item No 84.13.
- (iii) Order dated 13.07.2020 passed by Authority in its 101st meeting vide item No.101.9.

The Authority has reiterated that the preamble to RERA Act 2016 provides that it is the function/obligation of the Authority to protect the interest of the consumers/allottees. Future of nearly 2000 allottees who have invested their hard earned money in these projects with a hope to own a house shall be jeopardized in case registration is not granted to these projects.

3. On the last date of hearing i.e. 30.05.2023, Authority was of the view that since DG, TCP has taken a decision to grant Joint Development and Marketing Rights to ORS and Heritage, therefore the Authority is inclined to grant registration to the said projects. However, if Maximal Infrastructure Pvt. Ltd. has any objection, they may file their objections before next date of hearing with a copy to the opposite counsel.

4. In furtherance of the orders of the Authority, Maximal Infrastructure Pvt. Ltd. have filed their objections. During the course of hearing ORS and Heritage have also filed their written submission.

5. Today Shri Deepak Agarwal counsel on behalf of applicant/promoter informed that the permission for assignment of Joint Development and Marketing Rights in favour of the ORS and Heritage have been challenged by way of CWP No. 12971 of 2023 which



is listed for hearing on 11.07.2023. He also emphasized that since the applicants are not fulfilling the mandatory requirements of Section 4 with regard to the ownership of land; valid sanctioned plan; land free from encumbrances; plan of development works; and since the agreements executed with ORS and Heritage expired in January 2010 and were suspended/cancelled in 2016, therefore RERA registration should not be granted to the applicants.

6. He also stated that as per settled law, GPA and the development agreement does not confer right in any immovable property. He informed that Maximal Infrastructure Pvt. Ltd has also created 3rd party rights in 77 unsold flats after the termination of the Collaboration Agreement and the GPA in 2016. In view of the above, application for grant of registration by ORS and Heritage should be dismissed.

7. Shri Saurabh Goel stated that no stay has been granted by the Hon'ble High Court in CWP No. 12971 of 2023 on 5th June 2023 on the orders passed by the DGTCP dated 25.05.2023. Thus, in the larger interest of the allottees registration be granted.

8. The Authority has considered the arguments put-forth by both counsels and it observes as follows:

- i. In the application filed for registration of project by M/s Maximal, no information whatsoever has been submitted. They have not paid the requisite registration fee. The Authority therefore decides to return the application filed by M/s Maximal Infrastructure Pvt. Ltd.
- ii. Before considering grant of registration certificate to M/s ORS Infrastructure Pvt. Ltd. and M/s Heritage Cottages Pvt. Ltd. following observations are conveyed:
 - a) A comprehensive resolution plan regarding completion of project be submitted having relevant information such as but not limiting to date of completion, expenditures to be made in each quarter, funds for completion of project and for discharge of the statutory obligations.
 - b) Timelines within which the applicants undertake to submit all statutory approvals. Expenditure to be made in each quarter needs to be mentioned till date of completion of project.
 - c) Fresh REP-II i.e. Affidavit-cum Declaration needs to be submitted.



d) M/s Maximal to submit details of the units sold by it along with details of the allottees, amounts collected from the allottees against sale of those units, account details/statements of the bank in which the amount were received, and affidavit if any such amounts were used by it towards the construction of the project. Details of amount paid as EDC & IDC from the payments collected by M/s Maximal from sale made by them.

9. After compliances of aforesaid observations Authority will consider the matter regarding registration of the projects of ORS and Heritage. In the meantime M/s ORS Infrastructure Pvt. Ltd. and M/s Heritage Cottages Pvt. Ltd. are also directed to file their response/rejoinder to the application filed by M/s Maximal Infrastructure Pvt. Ltd. today, copy of which was supplied to Sh. Saurabh Goel, Ld. Counsel.

10. Adjourned to 24.07.2023.



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 (Ranjeet)
Ranjeet Kaur
22/6/23