



HARYANA REAL ESTATE REGULATORY AUTHORITY, PANCHKULA.

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Subject: Extract of the resolution passed by the Haryana Real Estate Regulatory Authority, Panchkula in its meeting held on 01.07.2019.

Item No. 58.8

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

(i) **Promoter - KST Infrastructure Ltd.**

Project- "KST Whispering Heights" – Group Housing Colony on land measuring 8 acres situated in Sector-88, Faridabad.

1. Shri Kuldeep Singh Tanwar, Director of M/s KST Infrastructure Limited stated that they had earlier applied for registration of the project in May, 2018 but officials of the Authority had not accepted their application on the pretext that they were not holder of Power of Attorney and Town and Country Planning Department had not yet approved the transfer of beneficial interest from the licensee/landowner in favour of respondent/developer. In support of his contention Shri Tanwar stated that they had got a bank draft of the fee payable to the Authority prepared which later on was resubmitted to the bank. He assured that a Statement of Account of the bank will be presented to show that the bank draft was actually made in favour of the Authority for registration of the project in May, 2018.

If such a draft had actually been made, Authority will presume that M/s KST Infrastructure Limited had approached the Authority for registration of the project accordingly not liable for action under Section 59 of the RERA Act.

2. Shri Tanwar stated that loans in favour of large number of allottees have been sanctioned by the banks but the same are not getting disbursed for want of registration of the project with the Authority. Further, the licensee/landowner M/s RPS Infrastructure Limited is not cooperating with them for



pursuing the matter with the Town and Country Planning Department for transfer of beneficial interest as well as for amendment of the special Power of Attorney to make it irrevocable as desired by the Authority.

3. Learned Chief Town Planner stated that the deficiencies pointed out at Sr. No. 4 in the order dated 27.05.2019 of this Authority have been fulfilled.

4. After consideration of the matter, the Authority observes that 413 apartments out of 499 have already been sold and 75-80% of the development work has been completed. The developers appears to be making sincere efforts to complete the project but are facing difficulties because of non- registration of the project and because of non-cooperation of the landowner/licensee.

The Authority is duty bound to protect the interest of the allottees as well as of the project.

5. It is evident that most of the project has been sold and third party interest have been created. The interest of the allottees cannot be allowed to suffer only for the reason of non-cooperation of the landowner/licensee or the delay being caused by the Town and Country Planning Department in granting transfer of beneficial interest.

The Authority decides that on the next date of hearing promoter/developer M/s KST Infrastructure Limited shall submit proof of having submitted of the application for registration of project in May, 2018.


Since 75-80% of the development work has been completed and most of the project has been sold, it directs the landowner/ licensee M/s RPS Infrastructure Limited to cooperate with the developer in completing pending formalities before the Town and Country Planning Department to transfer the beneficial interest, as well as for amending the Power of Attorney to make it irrevocable. However, if the licensee/ landowner does not cooperate, the Authority will treat the Special Power of Attorney already granted sufficient for registration of the project and would prohibit the licensee/landowner to take any action which could adversely affect the rights of the promoter or of the allottees.



6. Shri Vikas Lochab, Ld. Counsel for M/s RPS Infrastructure Limited requested for more time to submit reply on behalf of the respondent. Request of the learned counsel of the licensee/ landowner is accepted. The Authority however also directs the licensee/ landowner to submit information relating to registration of the projects on the remaining land out of the total 49.08 acres land for the project.


7. Adjourned to 22.07.2019.

True copy


Executive Director,
HRERA, Panchkula

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




8/7/19 LA (Tarun)