



HARYANA REAL ESTATE REGULATORY AUTHORITY, PANCHKULA.

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

Telephone No: 0172-2584232, 2585232

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

Website: www.haryanarera.gov.in

Subject: Extract of the resolution passed by the Haryana Real Estate Regulatory Authority, Panchkula in its meeting held on 27.01.2020.

Item No. 84.13

(ix) Promoter : TDI Infrastructure Ltd.

Project : "TDI City Kundli" – Plotted Colony on land measuring 171.15 acres situated in Sector-58, Tehsil Rai, Sonapat.

Present : Sh. Shobit Phutela, Counsel for the respondent-promoter.

1. Shri Shobit Phutela, learned counsel for the respondent-promoter states that a period of 60 days has been provided in the Act for filing an appeal against any order/directions of the Authority. The Authority in its order dated 14.10.2019 (Agenda Item No. 71.10) had ordered that the issue regarding the determination of quantum of penalty leviable upon the promoter under Section 59 shall be passed on the next date of hearing i.e. on 11.11.2019.

2. When the matter was taken up on 11.11.2019 following orders were passed:-

"Vide Agenda Item No. 65.9 the Authority had decided that delay caused in filing the online application beyond October, 2018 will invite additional fee upto 50% for first six months and same amount for every six months thereafter. Accordingly, the total fee payable by the promoters works out to Rs. 1,53,04,740/- against which Rs. 30 lacs has been deposited. Therefore, remaining fee of Rs. 1,23,04,740/- will be paid by the promoters before the next date of hearing."

The matter was adjourned to 09.12.2019.



3. Thereafter, when the matter was taken up on 09.12.2019, in Para-2 of the order following orders were passed:-

"Further, he seeks time to file an application for waiver of the penal amount payable by the promoter. This application shall be filed one week before the next date of hearing and the decision on the said application will be taken on the same date.

If the entire remaining principal is not paid by the promoters by 30.12.2019, a senior person/representative of the company dealing with their financial affairs shall remain personally present and bring with him details of their bank accounts including a statement of transactions undertaken from each account in last three months. Based on this information, the Authority will arrive on a conclusion whether the promoters are in a position to pay the deficit fee or not."

The matter was adjourned to 06.01.2020.

4. On 06.01.2020, the Authority had passed the following orders:-

"Learned counsel was advised to convey to his client that arguments on the next date shall be strictly confined to the question of law as to whether the penal fee is legally leviable or not? Respondent-promoter shall not be allowed to argue that they are facing a financial crunch. If the later argument is to be made then they will have to produce the statement of accounts before the Authority as ordered in Para-2 of the order dated 09.12.2019 passed under Item No. 77.8."

5. Accordingly, it is observed that this Authority had given its final order that additional fee equivalent to 100% of the annual fee is payable by the respondent-promoter vide its order dated 11.11.2019.

6. Shri Shobit Phutela, learned counsel for the promoter today argued that a time of 60 days is admissible to the respondent-promoter for preferring an appeal against any order or directions of the Authority. He further argued that the said period of 60 days should be determined from the date when their application for reconsideration of the orders of the Authority dated 11.11.2019 was disposed of. He further argued that the said application of the respondent-



promoter was disposed of by the Authority vide its order dated 13.01.2020. Accordingly, the period of 60 days should be counted from that date.

7. After consideration of the arguments made by the Ld. Counsel, the Authority observes that the final order regarding imposition of penalty under Section 59 was passed on 11.11.2019. The period of 60 days for filing the appeal is therefore to be counted from that date i.e. 11.11.2019. Accordingly, 60 days period has already lapsed.

8. Still considering the further background of the matter, the Authority directs the respondent-promoter to pay the penalty by the next date or place before it an order of the Hon'ble Tribunal modifying the orders of the Authority in this regard. If the penalty is not paid or the orders of the Hon'ble Tribunal modifying the order of the Authority is not placed before it by the next date, the Authority would consider it violation of Section 63 of the RERA Act and the promoter shall be liable to pay a further penalty of Rs. 10,000/- per day.

9. Adjourned to 09.03.2020.

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.




4/2/20.

UA(Tarun)