

Hearing brief for non-registration of Project u/s 3

S.No.	Particulars	Details
1.	Name of the project	Chintels Paradiso
2.	Name of the promoter	M/s Chintels India Private Limited
3.	Nature of the project	Group Housing Colony
4.	Location of the project	Sector- 109, Gurugram
5.	DTCP License no.	251 of 2007 dated 02.01.2007 9 of 2008 dated 17.01.2008
6.	Total licensed area	12.07+0.25 = 12.32 acres
7.	No. of Towers	9 Towers
8.	Whole or Phase	Phase Phase 1 includes towers 4,5,6,7,8, EWS and Nursing school Phase 2 includes towers 1,2,3,9, commercial building and convenient shopping
9.	OC/CC	1) Vide memo no. ZP-354/SD(BS)/2016/17307 dated 18.08.2016. 2) Vide memo no. ZP-354/SD(BS)/2016/13823 dated 20.06.2017.
10.	Notice no. & date	HARERA/GGM/918/2020 dated 19.02.2020
11.	Case History:	A complaint filed by Mr. Karambir Malik against M/S Chintels India Private Limited regarding "Chintels Paradiso" in Sector 109, Gurugram revealed that the promoter obtained an Occupancy Certificate for the project on 20.07.2017. As this was after the commencement of RERA 2016, the project was obligatorily required to be registered. Consequently, it is mandatory for the builder to register the project under RERA. Failure to do so attracts penal conditions. Therefore, a show cause notice having no. HARERA/GGM/918/2020 was issued on February 19, 2020, concerning the project's registration.
12.	Proceedings and Reply	Proceedings dated 16.03.2020. With reference to Show cause notice no. RERA-GRG-918-2020 dated 19.02.2020 none appeared on behalf of company before the authority for personal hearing. on behalf of respondent no reply has been submitted against notice issued for quantum of penalty notice be issued as the promoter have failed to represent their matter before the Authority. The matter is adjourned to 27.04.2020 at 11:00 AM. Reply submitted dated 18.03.2020 The promoter states that the project comprises two phases. Phase I includes Towers 4, 5, 6, 7, and 8, which were complete and the Occupation Certificate was issued on 18.08.2016. The development of Phase II was completed on 13.02.2017, and the OC was applied for on 14.02.2017 and received on 20.06.2017, i.e., prior to the cut-off date of 31.07.2017 under Section 5 of the Act, 2016. Copies of the OC and site plan have been submitted.



Proceedings dated 27.04.2020.
The matter to come up on 11.01.2023.

Proceedings dated 11.01.2023.
None is present on behalf of the promoter. Matter to come up on 25-01-2023.

Proceedings dated 25.01.2023.
Matter adjourned for 10-08-2023 at 11:00 A.M.

Proceedings dated 10.08.2023.
None appeared on behalf of the promoter. On account of absence of promoter or their authorized representative, authority is in the view that you have nothing to say about the case. Therefore, one final opportunity of hearing is given to submit the detailed reply and appear before the authority for hearing on 31-08-2023 at 11:00 A.M otherwise authority shall be bound to proceed Ex-parte.

Proceedings dated 31.08.2023.
Counsel for the promoter has filed the fresh Vakalatnama. The counsel for the promoter submitted that he would seek information from the client and if the promoter has not obtained occupation certificate prior to the provision of RERA Act 2016, then the promoter shall apply for registration at the earliest possible. Matter to come up on 27-09-2023 at 11:00 A.M.

Proceedings dated 27.09.2023.
Counsel for the promoter states that they have filed the reply today. Authority to examine the same and directed to come up for argument on 12-10-2023 at 11:00 A.M.

Reply submitted on 27.09.2023 The promoter has reiterated the submissions made in the earlier reply dated 18.03.2020. Additionally, the promoter has furnished copies of the Occupation Certificate, application for OC, master data of the company obtained from the ROC, as well as copies of previous proceedings and the receipt of the earlier reply submitted.

Proceedings dated 12.10.2023.
Matter adjourned for 15-11-2023 at 10:00 a.m.

Proceedings dated 15.11.2023.
Sh. Kanishk Sharma (Proxy Advocate) appeared on behalf of the promoter. Counsel for the promoter appeared and submitted that they have filed first reply on 17-03-2020 and second on 11-01-2023 and third reply is filed on 27-09-2023 along with copy of occupation certificate dated 18-08-2016 and 28-06-2017 which covers the license for which proceedings are going on. Hence, the counsel prays to drop proceedings. Authority to examine the matter and adjourned to 22-11-2023 at 10:00 A.M.

Proceedings dated 22.11.2023.
Sh. Kanishk Sharma (Proxy Advocate) appeared on behalf of the promoter and requested adjournment as main arguing counsel is not available today. The promoter has submitted the reply stating that vide memo no. ZO-354/SD(BS)2016/17307 dated 18-08-2016, they have obtained occupation certificate for Phase I of the project named as Chintels Paradiso comprising of tower 4,5,6,7, 8, EWS and Nursery school. OC for Phase-II was obtained vide memo no. ZP-354/SD(BS)2017/13823 dated 20-06-2017 comprising of tower 1,2,3,9,



community building and convenient shopping. The matter adjourned to 30-11-2023 at 10:30 A.M. for further proceedings and final arguments.

Proceedings dated 30.11.2023.

Sh. Kanishk Sharma (Proxy Advocate) appeared on behalf of the promoter and requested adjournment as main arguing counsel could not be able to attend the hearing due to personal urgency. The matter adjourned to 14-12-2023 at 10:30 A.M.

Reply dated 30.11.2023 The promoter has been submitted seeking adjournment.

Proceedings dated 14.12.2023.

Sh. Kanishk Sharma (Proxy Advocate) appeared on behalf of the promoter and submits that the authorized representative of the company who has to explain the case before the authority is not available today due to some urgency. Hence the matter adjourns to 21-12-2023 at 10:00 A.M.

Reply dated 14.12.2023 The promoter has been submitted seeking adjournment

Proceedings dated 21.12.2023.

Sh. Kanishk Sharma (Proxy Advocate) appeared on behalf of the main counsel and submits an application regarding adjournment of hearing as the arguing counsel Ms. Charu Sangwan is unavailable to personal urgency. Hence the matter adjourns to 04-01-2024 at 10:00 A.M.

Reply dated 21.12.2023 The promoter has been submitted seeking adjournment

Proceedings dated 03.01.2024.

Sh. Shubham Dayma (Advocate) appeared on behalf of the promoter and states that they had obtained the OC which was conditional as per condition no. 3, 5, 13, 17 mentioned in OC dated 18-08-2016 and condition no. 3, 12, 16 mentioned in OC dated 20-06-2017. They are directed to submit the compliance report with respect to the conditions mentioned in the occupation certificate within three weeks. Matter to come up on 31-01-2024 at 10:00 A.M.

Proceedings dated 31.01.2024.

Sh. Lakshmi Kant Mandal (AR) appeared on behalf of the promoter and request for short adjournment as the main representative of the company has a demise in his family. Request is allowed. Matter adjourned for 08-02-2024 at 10:00 A.M.

Proceedings dated 08.02.2024.

None appeared on behalf of the respondent. On account of absence of promoter or their authorized representative, one final opportunity of hearing is given to the promoter to submit the compliance report of proceeding dated 03-01-2024. Matter to come up on 13-03-2024 at 10:00 A.M.

Proceedings dated 13.03.2024.

Proxy Advocate Navraj appeared on behalf of the main counsel of the promoter and request for adjournment of hearing due to health issue. Matter to come up on 20-03-2024 at 10:00 A.M.

Proceedings dated 20.03.2024.

Proxy Advocate Navraj appeared on behalf of the main counsel of the promoter and request for adjournment of hearing as the main counsel is sick and unable to attend the hearing. Matter to come up on 03-04-2024 at 10:00 A.M.



Proceedings dated 03.04.2024.

Advocate Shubham Dayma appeared on behalf of the promoter. As per proceeding dated 03-01-2024, the promoter was directed to submit the compliance report with respect to the conditions mentioned in the occupation certificate but the same has not been complied with by the promoter till date. Also, as per condition no. 19 of OC dated 18-08-2016 and condition no. 18 of OC dated 20-06-2017, it is clearly mentioned that any violation of the conditions of said OC shall render the OC null and void. Therefore, the promoter is directed to do the needful compliance before next date of hearing otherwise the authority shall be bound to initiate penal proceedings against the promoter. Matter to come up on 25-04-2024 at 10:00 A.M.

Proceedings dated 25.04.2024.

Advocate Shubham Dayma appeared on behalf of the promoter. Counsel for the promoter seeks one week time to file the reply as per the directions of the authority vide proceeding dated 03-01-2024. Matter to come up on 15-05-2024 at 10:00 A.M.

Proceedings dated 15.05.2024.

None appeared on behalf of the promoter. Matter adjourned to 29-05-2024 at 10:30 A.M.

Proceedings dated 29.05.2024.

Proxy Advocate Harshita Tyagi appeared on behalf of Advocate Charu Sangwan of M/s Chintels India Ltd. Proxy counsel request for adjournment of hearing. Matter to come up on 03-07-2024 at 10:30 A.M.

Reply submitted on 06.05.2024 The promoter submitted compliance report as directed in proceeding dated 03.01.2024 and has stated that the submission recorded in the proceedings dated 03.01.2024 as having been made by the counsel for the promoter was, in fact, not made by the counsel for the respondent and has been incorrectly recorded. It is further contended that the observation of the Ld. Member regarding the Occupation Certificate (OC) being conditional is misconceived. The promoter has also submitted proof of water connection, sewerage connection, electricity connection, and compliance with conditions relating to the operation of elevators.

Proceedings dated 03.07.2024

Present Mr. Shubham Dayma, Advocate on behalf of promoters submitted that reply had been filed on 27.09.2023 and further complaints were filed on 06.05.2024 which are record. As per record OC of project was received on 20.06.2017 which is Annexure R-3 Page no. 12 of reply with a condition number 3 to apply for disposal of sewerage, draining and water supply in 15 days and further promoter shall maintain internal services till handover and after grant of final completion. Further as per condition no 18 of the OC letters it is specified that any violation of abovesaid conditions shall render the OC NULL & VOID. It is pertinent to note that as per Page 11, R-3 of Compliance report filed by promoters they have applied for sewerage connection on 12.12.2019 that is after more than 2.5yrs of OC and application for Strom water was made on 20.06.2022 that is five years after OC. Hence promoters have violated the condition no. 3 of its OC dated 20.06.2017 which invalidates its OC and hence the project was an ongoing project as per definition of ongoing project given in the Act, 2016 and hence registrable u/s 3 & 4 of the Act, 2016. They are directed to get it registered and show cause why penalty u/s 59 should not be imposed. One month time is being given to the promoters to apply for registration of project and their reply for invoking provision of sec 59 of the Act of 2016 must reach in the authority with in twenty days. Matter to come for further proceedings on 07.08.2024 at 11 A.M.



Proceedings dated 07.08.2024.

Present Proxy Counsel, Sh. Aaditya Das, appeared and requested adjournment. On the last date of proceedings, July 3, 2024, the promoters were directed to file a reply to show cause u/s 59, but no reply has been received till now. On repeated requests from Proxy Counsel, one week is given to file a reply, the Authority shall be bound to proceed ex parte. Matter to come for further proceedings on August 14, 2024, at 11 AM.

Proceedings dated 14.08.2024.

Counsel for the promoter appeared but due to administration reasons matter is adjourned to 19.09.2024 for further proceedings.

Reply submitted 14.08.2024 The promoter states that there has been no violation of Condition No. 3 of the Occupation Certificate dated 20.06.2017, as recorded in the proceedings dated 03.07.2024. It is contended that the promoter was not obligated to apply for the requisite services within 15 days from the grant of the OC. The promoter further submits that the Hon'ble Authority has erred in holding that such an obligation existed for obtaining connections for sewerage, drainage, and water supply from HUDA within 15 days from the date of receipt of the OC. It is clarified that, as per Condition No. 3, the obligation was to apply for such services as and when they were made available and within 15 days of such availability. The promoter has also submitted copies of the OC and the authorization letter issued by GMDA for sewerage and storm water drainage connections.

Proceedings dated 26.05.2025.

Ms. Harshita Tyagi, Advocate and Authorised Representative of the respondent, appeared and requested time to submit a reply. The Authority directs the respondent to file the reply along with the current status of the matter pending before the Appellate Tribunal. The Authority also directs the office to conduct a site visit.

Matter to come up on 14.07.2025 at 11:00 A.M.

Reply submitted on 14.07.2025 The promoter submitted that the instant proceedings are wholly illegal and liable to be set aside and the same is a roving enquiry, which is manifest from the records of the case itself. The respondent has not violated Condition No. 3 of the OC dated 20.06.2017 and the Hon'ble Authority has incorrectly held that the respondent has violated the said condition. The OC received by the respondent was valid and, therefore, the project was not an ongoing project as per the definition given under the Act and hence not registrable under Sections 3 and 4 of the Act.

The promoter further submitted that the entire project as constructed by the respondent is now being demolished and permission for demolition of Towers D, E, F, G, and H has already been obtained vide order dated 08.04.2024 from the Deputy Commissioner, Gurugram. Further, an order dated 19.03.2025 has also been passed by the District Magistrate-cum-Chairperson, DDMA, Gurugram directing the residents of Towers A, B, and C to vacate the premises and hand over the same to the respondent for eventual demolition. Copies of the OC, authorization letter dated 14.01.2020 issued by GMDA, copy of the demolition order, and the order passed by the Hon'ble Appellate Tribunal in the matter of M/s Chintels India Private Limited vs. HRERA, Gurugram (Appeal No. 608 of 2024) have been submitted.

Proceedings dated 04.08.2025.

Ms. Suruchi Pandey, Chartered Accountant, and Sh. Ashish Kush, Planning Executive, briefed the Authority on the facts of the case.

Sh. Shubham Dayma (counsel for the respondent promoter) is present and states that the project was complete and OC has been obtained on 18.08.2016 and 20.06.2017 i.e., prior to the publication of the Haryana (Regulation and Development) Rules, 2017. He further states that the demolition orders for all the towers of the project have been passed and copies of these demolition orders shall be placed on record within one week. He further submitted that the promoter intends to apply for fresh registration of the project after obtaining approval of the revised building plans. An affidavit to this effect shall also be submitted within one week. The matter to come up on 11.08.2025.

Proceedings dated 11.08.2025.

Ms. Suruchi Pandey, Chartered Accountant, and Sh. Ashish Kush, Planning Executive, briefed the about the facts of the case.

Ms. Harshita Tyagi (Advocate and Authorised Representative of the respondent promoter) has submitted copies of the demolition orders for Towers D, E, F, G, and H, and the evacuation orders for Towers A, B, C, and J, further submitted an affidavit stating that all towers in the Chintels Paradiso project have been directed to be vacated. The affidavit further mentions that, in all likelihood, all towers will be demolished, and the company will seek registration under the RERA Act for the newly reconstructed project as per law and public notice in this regard in 3 prominent newspaper (2 English and 1 Hindi). In view of the above, the matter shall be placed before the Authority on 01.09.2025 for taking final decision.

Reply submitted 27.10.2025 The promoter reiterated the same submissions as made in earlier replies submitted on various dates alongwith copies of the Occupation Certificate and application for OC.

Proceedings dated 01.09.2025.

Sh. Shubham Dayma and Sh. Rakesh Kumar (counsel for the respondent promoter) appeared and submitted that the Occupation Certificates for the project were obtained on 18.08.2016 and 20.06.2017, i.e., prior to the commencement of the Real Estate (Regulation and Development) Act, 2016 and its Rules, which were notified on 28.07.2017. Hence, no registration was required in terms of Rule 2(o). Moreover, the demolition orders for Towers D, E, F, G, and H, as well as evacuation orders for Towers A, B, C, and J, have already been passed. However, since no Completion Certificate has been obtained the project is required to be registered under Section 5 of the Act, 2016. Therefore, the Authority directs the office to issue a Show Cause Notice to the promoter under Section 59(1) of the Act, 2016. The matter to come up on 27.10.2025.

As per the directions of the Authority during the Suo-Motu hearing dated 26.05.2025, a site inspection of the said project was conducted on 09.07.2025 by the Ms. Suruchi Pandey, CA & Mr. Shashank Sharma. A.E.E and it was observed that the project comprises of total 9 towers i.e., A to H & J.

The Office of the Deputy Commissioner, vide Memo No. 107 dated 08.04.2024, had ordered the demolition of towers no. D, E, F, G, and H. Further, the Office of the District Magistrate, vide Order No. 56/FRA dated 19.03.2025, directed the evacuation of Towers A, B, and C. Additionally, the District Town Planner (Enforcement), Gurugram, vide order dated 09.04.2024, ordered the vacation of Tower J.

During the site visit, it was observed that two towers i.e., G & H had been completely demolished at the site except raft foundation of the said towers, and the process of demolition of 3 towers i.e., D, E & F has been started at the site and top three floors has been dismantled.



The promoter has offered the allottees either a refund or the option to wait for possession in newly constructed towers as per the court order dated 04.01.2024. As per the statement of AR of promoter, out of total of 532 allottees, approximately 100 to 150 allottees have been refunded.

Suruchi Pandey
Suruchi Pandey

(Chartered Accountant)

Ashish Kush
20/4/26

Ashish Kush

(Planning Executive)

Day and Date of hearing

Monday and 20.04.2026

Proceeding of the day

Ms. Harshita Tyagi, Advocate appeared on behalf of the respondent-promoter and states that the Occupation Certificates for the project were obtained on 18.08.2016 which is prior to the commencement of the Act and on 20.06.2017, which is prior to the commencement of the Haryana Real Estate (Regulation and Development) Rules, 2017 as the same were notified on 28.07.2017. It is contended that the project does not fall within the definition of an "ongoing project" and, therefore, does not require registration under the provisions of the Act. It is further submitted that demolition orders have already been passed for Towers D, E, F, G, and H, and evacuation orders have been issued for Towers A, B, C, and J. The counsel further submits that the respondent-promoter shall apply for registration of the project under the provisions of the Act after obtaining approval of the revised building plans, and in this regard, an affidavit has already been filed before the Authority.

The Authority has considered the submissions made by the respondent-promoter and perused the material available on record. The Authority observes that first proviso to Section 3(1) of the Act, 2016 provides as under:

*"Provided that projects that are **ongoing** on the date of commencement of this Act and for which the completion certificate has not been issued, the promoter shall make an application to the Authority for registration of the said project within a period of three months from the date of commencement of this Act:"*

Further, the definition of the term "ongoing project" as provided under Rule 2(1)(o) of the Haryana Real Estate (Regulation and Development) Rules, 2017 clarifies that any project or part thereof for which an Occupation Certificate has been granted on or before the publication of the said Rules shall not be treated as an ongoing project. Rule 2(1)(o) is reproduced as under for ready reference:

*"Ongoing project" means a project for which a license was issued for the development under the Haryana Development and Regulation of Urban Areas Act, 1975 on or before the 1st May 2017 and where development works were yet to be completed on the said date, **but does not include:***

(i) any project for which after completion of development works, an application under Rule 16 of the Haryana Development and Regulation of Urban Area Rules, 1976 or under sub-code 4.10 of the Haryana Building Code, 2017, as the case may



be, is made to the Competent Authority on or before publication of these rules; and
(ii) that **part of any project for which part completion/completion, occupation certificate or part thereof has been granted on or before publication of these rules.**"

In the present case, the Occupation Certificates for the project were obtained on 18.08.2016 and 20.06.2017, i.e., prior to the notification of the Haryana Real Estate (Regulation and Development) Rules, 2017 dated 28.07.2017. Accordingly, that part of the project for which the Occupation Certificates were granted prior to the notification of the Rules would not fall within the definition of an "ongoing project" and would, therefore, be exempt from registration under the provisions of Rule 2(1)(o) of the Rules.

However, the Authority also takes note of the subsequent developments in the matter, including the demolition orders issued by the Deputy Commissioner, Gurugram vide Memo No. 107 dated 08.04.2024, the evacuation orders issued by the District Magistrate-cum-Chairperson, DDMA, Gurugram vide Order No. 56/FRA dated 19.03.2025, and the vacation order issued by the District Town Planner (Enforcement), Gurugram dated 09.04.2024. The Authority further notes the Affidavit dated 08.08.2025 submitted by the respondent-promoter, wherein it has been affirmed that 'Chintels India Private Limited shall seek registration under RERA Act of the newly reconstructed project as per law.'

In view of the above facts and circumstances, and considering that the existing project is subject to demolition and reconstruction, the present proceedings are disposed of with a direction to the respondent-promoter to apply for registration of the project under Section 4 of the Real Estate (Regulation and Development) Act, 2016 after obtaining all requisite approvals, including approval of the revised building plans, in accordance with law. The matter stands disposed of accordingly.

Arun Kumar
Chairman, HARERA