

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

S.N o.	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 Valid up to 01.11.2029 9 of 2008 dated 17.01.2008 Valid up to 16.01.2030
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.	Reply Submitted	Submitted
12.	Number of hearings till date	25
13.	Last date of hearing	14.08.2024
14.	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 (OC) for the project on June 20, 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 (HARERA/GGM/918/2020) was issued on February 19, 2020, concerning the project's registration.

15.	<u>Summary of Reply submitted by promoter till date:</u> Reply dated 18.03.2020. The respondent submitted site plan for Phase 1 and 2 alongwith copies of OC and states that development of phase II was completed on 13.02.2017 and applied for OC on 14.02.2017 but Oc was issued on 20.06.2017 and the got OC before 31.07.2017 i.e., cutoff date as per section 5 of the Act, 2016 and request for withdrawn of the case as a result. Reply dated 27.09.2023. The respondent submitted detailed reply in which again submitted copies of OC. Reply dated 30.11.2023. Submitted for seeking adjournment. Reply dated 14.12.2023. Submitted for seeking adjournment. Reply dated 21.12.2023. Submitted for seeking adjournment. Reply dated 06.05.2024. The respondent submitted proof of water connection, sewerage connection, electricity connection and proof of compliance with conditions for operation of elevators in response of order dated 03.01.2024. I order dated 03.01.2024 directed the respondent to provide proof of compliance of the conditions no. 3;5;13 and 17 in the OC dated 18.08.2016 and 3,12 and 16 in the OC dated 20.06.2017. Reply dated 14.08.2024. The respondent submitted that they had not violated the condition of the OC dated 20.06.2017 and respondent was not obligated to apply for the services within 15 days from grant of the OC dated 20.06.2017.
17.	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. 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.

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.

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.

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.

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.

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



HARERA
GURUGRAM

Complaint no. 918 of 2020

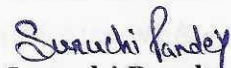
07.08.2024 at 11 A.M.

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.


Suruchi Pandey

Chartered Accountant

Day and Date of hearing

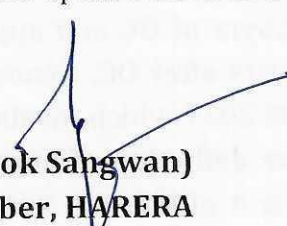
Monday and 26.05.2025

Proceeding of the day

Ms. Suruchi Pandey, Chartered Accountant briefed about the facts of the case.

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.


(Ashok Sangwan)
Member, HARERA


(Vijay Kumar Goyal)
Member, HARERA


(Arun Kumar)
Chairman, HARERA