



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

1. COMPLAINT NO. 138 of 2023

KLJ Developers Private Limited

...COMPLAINANT(S)

Versus

Haryana Shehri Vikas Pradhiakaran through its Chief Administrator

....RESPONDENT

**CORAM: Dr. Geeta Rathee Singh
Nadim Akhtar**

**Member
Member**

Date of Hearing: 18.01.2023

Hearing: 1st

Present: -- Mr. Ashish Chopra, Senior Advocate with Mr. Yash Pal Sharma, learned counsel for the complainant through video conferencing
Mr. Ashwani Chaudhary, learned counsel for the respondent

ORDER (NADIM AKHTAR-MEMBER)

1. Today, while initiating his pleadings, learned counsel for the complainant submitted that the Respondent, vide Memo dated 20.05.2021 had

issued revised policy for e-auction of residential, institutional, commercial properties which were governed by Zoning Plan. The policy was further revised vide policy dated 20.07.2022. Copies of policies dated 20.05.2021 and 20.07.2022 are enclosed herewith as Enclosure 'A' of the complaint file. In furtherance to the said policies, respondent has decided to sell the plots developed in the project namely "Urban Estate of Sector 77, Faridabad" through e-auctions. E-auctions for selling plans of the said project was carried out on 30.06.2022, 30.08.2022 and 31.08.2022. He has further submitted that complainant under bona fide belief that respondent being a Government Authority, would be in compliance of all requirements of law, bid for residential plots on the aforementioned auction dates and emerged as a successful bidder in respect of six residential plots. As per the said policies, the complainant has already deposited a sum of ₹3,93,33,925/- as part payment of the total price of the said plots. Copies of letter of intent issued to the complainant and statement of account in respect of plots are annexed as Enclosure-B of the complaint file. Complainant recently after making certain inquiries regarding the particulars of the registration of the said colony under the RERA Act 2016, shocked to know that respondent has proceeded to develop the colony without registering the project/ colony under section 3(1) of the RERA Act, 2016.

In the absence of the registration of the said colony, complainant has left with no option but to file this present complaint seeking relief before this Authority to direct the respondent to get the colony registered under the



provisions of the Act and to fulfil obligations as required to be carried out in a time bound manner.

He has further submitted that complainant has deposited 25% of the total bid amount and as per the terms of the said policies, remaining 75% of the bid amount shall have to be deposited within 120 days from the dispatch of letter of Intent, failing which LOI shall stand withdrawn without any further notice and 25% of the amount deposited shall stand forfeited to respondent against which the successful bidder has no claim for damages. But respondent despite collecting 25% of the total bid amount from the complainant, has not entered into an agreement for sale and has not registered the said colony with this Id. Authority. Therefore, complainant has refrained himself from paying any further payments to the respondent. But he has further apprised that said period for depositing the remaining amount of 75% has got expired, therefore, in the urgency of this matter, he seeks interim orders from this Hon'ble Authority to direct the respondent not to cancel the allotment of the plot due to non-payment of the pending amounts towards the allotment of the plots till such time the said colony get registered and not to forfeit the amount already deposited.

2. Learned counsel for the respondent, on the other hand, filed his memo of appearance in the court and submitted that he had not received a copy of complaint yet.

3. Considering the submissions of both the parties, Authority observes that in order to establish the facts correctly, written submissions and detailed



arguments of the respondent is required to be present before this Authority.

Therefore, complainant is directed to take dasti notice from the Office of Authority for service of respondent and respondent is directed to file reply well before the next date of hearing. In the meantime, considering the prayer of the complainant with regard to relief of the non- cancellation of allotment due to non-payment of the pending amounts, Authority hereby orders the respondent not to cancel the allotment of the plot or impose any penalty/ fine on the complainant for non-payment of the amount till the appropriate directions are given by this Authority.

it is clarified that in case the matter is not decided in favour of the complainant, he shall be liable to comply with necessary actions taken by HSVP as per its Act/Rules/Regulations/Policies.

4. Case is adjourned to 07.02.2023.


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Dr. GEETA RATHEE SINGH
[MEMBER]


.....
NADIM AKHTAR
[MEMBER]