



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 2364 of 2023

HRERA, Panchkula

...COMPLAINANT

VERSUS

M2M Buildtech Pvt Ltd.

....RESPONDENT

CORAM: Parneet S Sachdev
Nadim Akhtar
Dr. Geeta Rathee Singh
Chander Shekhar

Chairman
Member
Member
Member

Date of Hearing: 01.05.2024

Hearing: 4th

Present: Sh. Rakesh Sharma, Director of company
Sh. Sanjay Malhotra, Director of company
Sh. Sanjay Chugh, Director of company
Adv. Lalit Nayyar, on behalf of respondents
Sh. Sanjay Hooda and Sh. Rajiv Hooda, complainants

ORDER (Parneet S Sachdev-Chairman)

Haryana Real Estate Regulatory Authority, Panchkula had registered a real estate project of an Affordable Plotted Colony under DDJAY namely, "A-One Homes"

being developed on land measuring 7.418 acres falling in the revenue estate of Village Kheri Sadh, Sector-27-A, Rohtak vide registration no. HRERA-PKL-ROH-334-2022 dated 13.09.2022.

2. Subsequently, a letter dated 25.08.2023 was received from Sh. Rajiv Hooda, stating breach and violations of license conditions and unlawful, illegal and fraudulent acts by the respondents mentioning that about 150 court cases are pending against the promoter.
3. A show cause notice dated 16.10.2023 under Section 35 of RERA Act, 2016 was issued to the respondent and a copy of the same was also supplied to the complainant Sh. Rajiv Hooda.
4. Thereafter, the Authority vide its orders dated 10.01.2024 decided to club the complaint of another complainant Sh. Sanjay Hooda alongwith the present complaint since the matter in both complaints were identical.
5. On 07.02.2024, Adv. Sudeep apprised the Authority that the company has been involved in unfair trade practices since long and is in process of executing the registries of the plots in the project. Keeping note of the above, Authority directed the counsel of complainants to file a written reply to the averments made by them along with documentary evidence. Authority further directed the office to provide a copy of complaint to Sh. Rakesh Sharma and granted one last opportunity to file reply failing which the Authority will be constrained to revoke the said registration.

The office was further directed to send a copy of these orders to The Tehsildar, Rohtak to enquire as to how the sale of plots and execution of conveyance deeds by the respondent/promoter are being done without obtaining completion certificate and apprise the Authority about the total number of registries which have already been executed by them.

6. The respondents vide reply dated 04.03.2024 has informed as under:-

The respondents are working legally on project. Service plans of project have been approved by HUDA. All EDC/IDC payments have been made and therefore all plots are unfreezed. Moreover, their project is already registered with RERA. Complaint of Rajiv Hooda is false, concocted, baseless, vindictive, arbitrary and on fabricated grounds. Rajiv Hooda has received an amount of Rs 60,000/- and A one Homes have received Rs 3.29 Cr from bank accounts of respondent company. Sanjay Hooda falsely represented himself as partner of A one Homes. A one Homes through Sanjay Hooda had proposed that they would do construction and development work and get approvals from concerned authorities. A one Homes is a benami firm. Rs. 2.80 Cr of respondent company was lying as a deposit with Govt. Authorities and Sh. Sanjay Hooda and A One Homes got adjusted for getting license. A-one Homes was not given marketing rights to sell the project land of respondents.

Sh. Sanjay Hooda had taken advances in account of A one Homes for selling plots of M2M. They have cheated the public, customers, M2M Buildtech and the Authority. Respondents have applied for name change with the Authority as per law. A One Homes including Sh. Rajiv Hooda have committed theft of documents from company. Criminal complaints have also been made against Sanjay Hooda to Police and CM Haryana. Moreover, A one Homes has already filed civil suit in civil court Rohtak and the same is pending as of now. Axis Bank Account of Company is being misused. Sh. Sanjay Hooda had made an entry of Rs 1,10,000/-to himself in pretext of making such payment to HRERA and further forged an entry of Rs 7.40 cr in the name of A-One Homes. Police complaint has also been made in this regard. Further there is no multiple selling of plots by M2M-complainant Sh. Rajiv Hooda and A one Homes are liable to pay damages to respondents and finally requested the Authority to dismiss complaint.

7. *Sh. Rajiv Hooda on the other hand vide reply dated 06.03.2024 has informed that order of stay on sale of plots was passed by Authority in presence of two directors of M2M Buildtech Pvt. Ltd. However, Sh. Rakesh Kumar, Director of company has executed 5 sale deeds on the very next date of the orders and might have executed more later on. After collecting 14 Crores at time of grant license no 32 of 2014, they mislead the general public and faced more than 150 litigations.*

Therefore he requested the Authority to intervene and cancel the sale deeds. He further requested to cease the bank account and stop the illegal laying of services as the promoter does not have approved service plans.

8. Further, letter to Tehsildar Rohtak was sent by the office on 12.03.2024 on which reply is still awaited.

9. On the last date of hearing i.e. 20.03.2024, Sh. Sanjay Hooda stated that the registries are being executed by the respondents without getting service plans approved. He further stated that the respondents have executed approximately 37 registries of freezed plots and name of A One Homes has been removed from the site and the respondents have put the name of the company thereon as M2M Buildtech Pvt. Ltd. They are not maintaining the escrow account as per the provisions of RERA and the official address of the company has also been closed.

Adv. Naveen Kumar appearing on behalf of respondents stated that the complainants have collected more than 10 crores from the sale of this project and some scam is being played with the company itself.

10. Considering the averments made by counsels of both the parties, the Authority was of the view that there should be an absolute ban on the sale of the plots and creation of third party rights in the project. Tehsildar, Rohtak was also directed not to execute any registries/conveyance deeds with regard to M2M Buildtech Pvt. Ltd until further orders of this Authority. Respondents were also directed to submit a

copy of approved service plans/estimates to the Authority and comply with the other conditions imposed while granting registration of the project. Complainants were directed to quote particular sections of the statute which have been violated by the respondents and what remedy do they seek from this Authority. The Authority further directed the complainants and all the directors of the company to be personally present on the next date of hearing to assist the Authority in finding a solution.

11. Today, three directors of respondent's company are present before the Authority and they apprised that the complaints filed by the complainants are absolutely false and frivolous. They averred that they have validly got license from DTCP, Haryana and got registration under HRERA, Panchkula to market, sell and develop this plotted township. They have further made allegations on the complainants that the later has no locus standi before this Authority and have even misused the name of project and took a lot of money from the market in the firm's name. They further stated that following documents have been submitted by them in the registry of the Authority, today itself:-

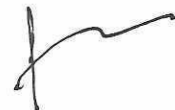
- a. Letter of Approval of Services Plan by HSVP.
- b. Development Agreement with the complainants.
- c. Bank Account statement of firm namely A One Homes of the complainants in which money of the clients of M2M Buildtech Pvt. Ltd. taken by the

complainants for selling the plots by misusing the marketing name of M2M Buildtech Pvt. Ltd.

- d. Carbon copy paper of cheque book in which entries made by Sanjay Hooda for forging cheque of M2M Buildtech Pvt. Ltd.
- e. Copy of receipt No. 1611 regarding Police complaint to SP Rohtak against Sanjay Hooda etc. for forgery etc.
- f. List of clients and payments taken by firm A One Homes owned by Sanjay Hooda Rajeev Hooda etc. from the clients of M2M Buildtech Pvt. Ltd. by misusing marketing name of M2M Buildtech Pvt. Ltd. (A One Homes)

12. The complainants, on the other hand vide reply dated 01.05.2024 have submitted a list of violations of conditions mentioned in license no. 96 of 2022 dated 15.07.2022 by licensee issued under Section 3 of Haryana Development and Regulations of Urban Area Act, 1975 and breaches of provisions mentioned in registration certificate no. 334 of 2022 dated 13.09.2022 by the respondents under provisions of RERD Act, 2016 and RERA Rules, 2016. He further stated that following violations have been done by the respondents:-

- a. Registered address and correspondence address are not existing.
- b. Non submission of project details in PDF alongwith certificate on the web portal.



- c. Violation of provisions of Section 13 (1), 14(1) and 17(1) of the RERD Act, 2016.
- d. Violation of provisions of Section 5 of Haryana Regulations and Development of Urban Area Act, 1975.
- e. The promoter has not uploaded the required information regarding creation of his own website as per Regulation 14.
- f. The promoter has not submitted the advertisements published, infact had published the advertisement without the project name.
- g. The promoter is not following provisions of Section 8 and 13 (1) of the RERD Act, 2016.
- h. Non Submission of quarterly schedule of expenditure from date of registration upto completion of the project.
- i. The promoter has not published certificate in the printed brochure inviting applications from prospective buyers for allotment of plots.
- j. Sale deed of maximum plots are already executed in the name of landowners for selling the plots allotted to landowners which were to be sold after the completion of the project.
- k. No service plans have been approved by DTCP, Haryana.
- l. Promoter has already sold the commercial pocket measuring 0.2952 acres without approval of building plans.

m. Punishment/Penalty as per Section 59 of the Act may be imposed.

13. Further, vide letters dated 03.04.2024 written to DTCP, Haryana with a copy endorsed to HRERA Panchkula were received from Ms Veena Wadhwa and Ms Monika wherein they have replied to the communication made to them by DTCP, Haryana vide letter dated 29.03.2024. *They have brought the focus towards the collaboration agreement & GPA in favour of M2M Buildtech Pvt. Ltd. for developing of above subject cited plotted colony, the said colonizer i.e. M2M Buildtech Pvt Ltd, is exercising powers related to GPA & collaboration agreement through its directors Rakesh Sharma for compliance & development work related to project of Sector 27A in the periphery of genuine and legal aspects. If anything related to compliance and development work related to site and DTCP/RERA found illegal and in genuine through GPA duly executed by us in favour of M2M Buildtech Pvt. Ltd, then in case of mal-exercise of GPA, the said company will be responsible for their misdeeds and illegality.* The above is noted by the Authority.

14. In view of the above, the Authority directs the respondents to collect the list of breaches of provisions as mentioned by the complainants vide letter dated 01.05.2024, from the projects section of Authority for their further comments on each and every issue. Further, the certified copy of order dated 20.03.2024 alongwith the reply filed by the respondents has been supplied to the respondents during the course of hearing. Last opportunity is being granted to the respondent and

complainants to file their comments so that final decision could be taken. Adjourned to 07.08.2024.


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Chander Shekhar
Member


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Dr. Geeta Rathee Singh
Member


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Nadim Akhtar
Member


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Parneet S Sachdev
Chairman