



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 2635 of 2019

HRERA, Panchkula

....COMPLAINANT(S)

VERSUS

SRS Real Estate Ltd.

....RESPONDENT(S)

CORAM: Rajan Gupta

Chairman

Anil Kumar Panwar

Member

Dilbag Singh Sihag

Member

Date of Hearing: 07.07.2020

Hearing: 10th

Present: -None

ORDER (Rajan Gupta – Chairman)

1. This application for registration of the real estate project of an affordable group housing colony namely "Dream Homes" to be developed over land measuring 6.44 Acres in Sector-6, Palwal is under consideration of the Authority, since July' 2018. Meanwhile, online process for filing applications for registration was started, accordingly, the respondent/ promoter vide letter dated 18.07.2018 was directed to apply online on proforma A-H. But, the respondent/promoter failed to submit the same.

2. Taking cognizance of the aforesaid facts, notice u/s 59 & 63 of the Real Estate (Regulation & Development Act, 2016) was issued to the promoter vide letter dated 24.01.2020 for submitting the online application on proforma A-H.

3. In reply to the said notice, a letter dated 24.02.2021 was received from the respondent/ promoter stating that their license no. 117 of 2012 dated 23.11.2012 has been cancelled by the Director, Town and Country Planning, Haryana vide orders dated 21.08.2018 and the administration of the said colony has also been taken over by the Director. Further, SRS City Palwal AGH Buyers Association has filed a Civil Writ Petition No. 31248 of 2018 in the Hon'ble Punjab and Haryana High Court wherein the Hon'ble Court was pleased to pass the following orders:

“Petitioner is aggrieved by non-completion of the project after the cancellation of license granted to SRS Real Estate Ltd. He seeks a writ of mandamus for time bound action.

Learned State Counsel submits that the matter shall be looked by a committee to be constituted by the Chief Secretary and necessary steps shall be taken.”

4. Since, the colony has been taken over by the state government and the Director, Town and Country Planning has stepped into the shoes of the promoter, therefore, the Authority vide its orders dated 25.02.2020 decided to issue a show cause notice to the state government as to why they may not be called upon to get the project registered under section 3 of the RERA Act, 2016. Accordingly, notice was sent to the department on 12.03.2020.

5. In response to the said notice, a reply vide e-mail dated 07.04.2020 has been received from the department. The relevant portion of the reply is reproduced below:

“ *** as per the direction of Hon'ble High Court order dated 04.09.2019, the latest status report after the hearing and meeting with the Petitioner Association has been filed in the Hon'ble High Court during the hearing held on 25.11.2019. The CWP No. 31248 of 2018 has been disposed of by Hon'ble High Court vide order dated 08.01.2020. On the submission of State Counsel that the matter shall be looked into by a committee to be constituted by Chief Secretary and the necessary steps shall be taken. In view of the statement, the writ petition was disposed of.

That to execute the pending development works of this project, a committee under the chairmanship of Administrator, HSVP, Faridabad has already been constituted. The progress is being looked after by Principal Secretary, Town and Country Planning & Urban Estate Department, Haryana. As decided the actual construction at site will be only started by HSVP or any other agency as decided later on, if at least 50% of the estimated cost (to be incurred on completion of the each tower, proportionate EWS Flats and proportionate internal development works), is deposited in advance by the allottees of the project. However, till date not a single penny has been deposited by any of the allottees of this project.

12. That meanwhile as informed by Deputy Director, Enforcement Directorate, Chandigarh, letter no. F. No. ECIR/03/CDZO/2018/240 dated 08.01.2019, all the movable and immovable property pertaining to licence no. 117 of 2012 dated 23.11.2012 granted for development of Low Cost/Affordable Housing Colony over on the area measuring 6.44375 acres in exercise of power conferred upon under 2nd proviso of Sub Section 1 of Section 5 of the PML Act, 2002 (15 of 2003) provisionally attached initially for a period of 180 days and the same shall not be transferred, disposed of, part with or otherwise dealt with in any manner, whatsoever, until or unless specially permitted to do so by Enforcement Directorate.

13. That after receiving these orders, the legal opinion has been sought from AG, Haryana wherein he has opined that as far as the allottee who had already purchased their units from the licensee, they may avail the remedy provided under PMLA, 2002. As far the Department of Town and Country Planning is concerned, they need to abide by the order of Enforcement Directorate and to keep all action in abeyance till final

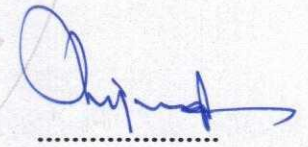
adjudication by Enforcement Directorate, for which, the Enforcement Directorate can be requested to convey the final decision taken by them in respect of licences in question.

14. As per the opinion of Advocate General, Haryana, the Deputy Director, Enforcement Directorate, Chandigarh has been informed vide this office memo dated 01.04.2021 that the Department has kept in abeyance all the further action/proceedings to be taken under the provision of Haryana Development and Regulation of Urban Areas, Act, 1975 till the final outcome of proceeding under PML Act, 2002. It was also requested to convey the final decision taken by Deputy Director, Enforcement Directorate, Chandigarh in respect of the licenses granted to the SRS Group in State of Haryana so that Department can proceed with the legal action under Haryana Development and Regulation of Urban Areas Act, 1975 and Rules, 1976.

Further, the Senior Town Planner, Gurugram/Faridabad and District Town Planner, Faridabad/Palwal/Rewari are also requested vide memo dated 01.04.2021 not to entertain any type of applications for grant of any type of permission related to 14 licenses of the licensee or any individual entity having property in these colonies/licenses.

In these circumstances Department cannot take any further action in this matter at this stage. However, in future action will be taken after receiving final order of the Enforcement Directorate as opined by Advocate General, Haryana.”

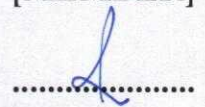
6. In view of the above, the Authority decides to adjourn the matter *sine-die* till disposal of the matter by Enforcement Directorate.



RAJAN GUPTA
[CHAIRMAN]



ANIL KUMAR PANWAR
[MEMBER]



DILBAG SINGH SIHAG
[MEMBER]