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HARYANA REAL ESTATE REGULATORY AUTHORITY
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हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

New PWD Rest House, Civil Lines, Gurugram, Haryana

नया पी. डब्ल्यू. डी. विश्राम गृह, सिविल लाईंस, गुरुग्राम, हरियाणा

PROCEEDINGS OF THE DAY

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Day and Date	Tuesday and 11.03.2025
Complaint No.	MA NO.179/2025 in CR/1277/2018 Case titled as TATVAM RESIDENTS WELFARE ASSOCIATION VS VIPUL LIMITED
Complainant	TATVAM RESIDENTS WELFARE ASSOCIATION
Represented through	Shri Atul Aggarwal Advocate
Respondent	VIPUL LIMITED
Respondent Represented	Shri Aashish Chopra Senior Advocate with Ms. Rupa Pathania Advocates for R1 Shri Manoj Kaushik Adv. for R2-DHBVN
Last date of hearing	21.01.2025
Proceeding Recorded by	Naresh Kumari and HR Mehta

Proceedings

The present matter was reserved for orders today, but the same could not be pronounced since an application under section 39 of the Act, 2016 was filed by the R1.

The present complaint was earlier listed for hearing, on 21.01.2025, wherein none was present on behalf of the respondents and hence, the authority reserved the order and adjourned the same for pronouncement for today i.e., 11.03.2025. The counsel for the respondent has moved the above application stating that an adjournment request was sent to the authority vide email dated 20.01.2025 as the arguing counsel was not available to argue the matter on the said fixed date. Whereas, the proceedings dated 21.01.2025 states that no adjournment application has been received on behalf of the respondent. The authority observes that there was an email dated 20.01.2025 therefore the proceedings dated 21.01.2025 stands amended to the extent that R1 requested for adjournment due to non-availability of the counsel for the respondent no. 1.

The counsel for the respondent no. 1 further states at bar that the reply on



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behalf of R2 & R5 has not been filed till date. The complainant's counsel contended that enough opportunities have been given to file the reply therefore the defence may be struck off and the authority may proceed accordingly.

Counsel for R1 further contends that Tatvam villa is not an independent colony but forms a part of vipul world which is a 150 acres residential colony. Therefore, if at all there can be RWA, it cannot be only for residents of Tatvam villas to the exclusion of Vipul world.

Secondly the R1 has already obtained the NOCs from the residents of the colony as placed at R1/O pg. 174 of reply wherein a few parties have already settled the dues. Furthermore, the maintenance in case of the plotted colony is to be handed over to the MCG and not to the RWA and hence IFMS is not to be transferred to the complainant RWA.

The counsel for the R1 also objects that the complaint has been filed by an association whereas, no list of members of association has been filed along with the present complaint. The counsel for the complainant stated that out of 240 allottees, 216 are the members of the association and the list of the same is attached at pg. 185, annexure C25 of the rejoinder filed by the complainant. Moreover, the Authority vide order dated 02.05.2019 has already allowed handing over of essential services w.r.t. security, horticulture, power back-up and garbage collection to the RWA and the costs shall also to be borne by the RWA only. Accordingly, the same are being managed by the RWA since then.

Arguments heard.

Order reserved.

Both the counsels for the parties may also submit brief written submissions within 15 days with an advance copy to each other.

Matter to come up on **22.04.2025** for pronouncement of order.

Ashok Sangwan
Member

Vijay Kumar Goyal
Member

Arun Kumar
Chairman
11.03.2025