



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 1136 OF 2021

Rodeo Drive Welfare Association

....COMPLAINANT(S)

VERSUS

TDI Infrastructure Limited.

....RESPONDENT(S)

CORAM: Rajan Gupta

Chairman

Dilbag Singh Sihag

Member

Date of Hearing: 01.06.2022

Hearing: 2nd

Present: -Mr. Tarjit Singh Chikara, Counsel for the complainant through VC.

Mr. Shubhnit Hans, Ld. Counsel for the respondent through VC.

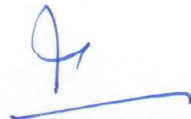
ORDER (RAJAN GUPTA-CHAIRMAN)

1. On the last hearing i.e. 08.02.2022, learned counsel for the respondent had challenged maintainability of the complaint by raising objections

by filing a short reply. His plea was that since the complaint is filed by an Association of allottees which comprises of only six allottees out of total six hundred allottees of the project, therefore, it is not maintainable. On request of learned counsel for complainant, case was adjourned, granting him an opportunity to address its arguments on maintainability of the complaint.

2. Learned counsel for complainant addressing the Court qua maintainability of the present complaint stated that complainant is an Association, duly registered under the HARYANA REGISTRATION AND REGULATION OF SOCIETIES ACT, 2012 vide 'Certificate of Registration of Society' dated 25.11.2020. Said certificate is attached as Annexure C-11. Further, as per section 31 of THE REAL ESTATE (REGULATION AND DEVELOPMENT) ACT, 2016, any aggrieved person can file a complaint with the Authority against any promoter allottee or real estate agent for violation or contravention of the provisions of this Act or the rules and regulations. For the purposes of filing complaint, as per explanation to section 31, a registered association of allottees is a 'person'. Thus, as per section 31 (1) of the RERA Act, 2016 complainant can file a complaint before the Authority for redressal of their grievances on account of violation of the provisions of this Act by respondent promoter. Relevant part of Section 31 of the RERA Act, 2016 is reproduced as below:

"Section 31- (1) Any aggrieved person may file a complaint with the Authority or the adjudicating officer, as the case may be, for any violation or contravention of the provisions of this



Act or the rules and regulations made thereunder against any promoter allottee or real estate agent, as the case may be. Explanation.—For the purpose of this sub-section "person" shall include the association of allottees or any voluntary consumer association registered under any law for the time being in force.”

3. In response, learned counsel reiterated pleadings made by him on 08.02.2022 that the complaint is not maintainable because it is filed by an Association of allottees which comprises of only six allottees out of total six hundred allottees of the project; it pertains to grievances of only six allottees and Association does not represent 2/3rd allottees of the project.

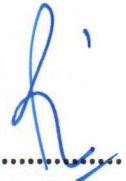
4. After hearing both parties and perusal of records of the case, Authority observes that complainant is a registered association which was duly registered by District Registrar, department of Industries and Commerce, Haryana on 25.11.2020 as per Annexure -C-11. As per section 31(1) and explanation, Complainant Association being a registered association of allottees, can file a complaint with Authority in case it is aggrieved on account of any violation or contravention by promoter of the provisions of the RERA Act 2016 or the rules and regulations made thereunder. Therefore, Authority observes that present complaint is maintainable and decides to proceed on merits of the complaint.

5. Learned counsel for respondent has sought time to file reply on merits.

6. Case is adjourned to 04.08.2022 with a direction to the respondent to file reply on merits and supply its copy to complainant at least two weeks before next date of hearing.



RAJANGUPTA
[CHAIRMAN]



DILBAG SINGH SIHAG
[MEMBER]