



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 1136 OF 2021

Rodeo Drive Welfare Association

....COMPLAINANT

VERSUS

1. TDI Infrastructure Limited.

....RESPONDENT(S)

2. Cannes Property management Services Pvt. Ltd.

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

Date of Hearing: 07.02.2023

Hearing: 13th

Present: - Mr. Tarjit Singh Chikara, Counsel for complainant.
 Mr. Shubhnit Hans, Counsel for respondent.

ORDER (DR. GEETA SINGH RATHEE- MEMBER)

1. This matter had come up on 04.08.2022 when Authority had passed a detailed order recording all facts and arguments advanced by both parties. Operative part of order dated 04.08.2022 is reproduced below:

“3. After hearing arguments of both parties and perusal of record as well as written submissions of Complainant Association, Authority observes that project is developed and Part Completion Certificates for the project were granted by Department of Town & Country Planning, Haryana

Geeta Rathee

on 23.01.2008, 18.11.2013 and 22.09.2017. Occupation Certificate for the project was also received from concerned department on 12.06.2019. Possession of shops have already been handed over to member allottees. Member allottees had shifted and have been enjoying possession of their shops since 2018-2019. Conveyance Deeds have also been executed in their favour in year 2019 to 2020. No objections were raised by complainant allottees at time of taking possession or execution of conveyance deeds. Therefore, Authority will presume that project is complete and basic infrastructural facilities have been laid as per service plan and the complainant allottees took possession of their shops after full satisfaction. The contract executed between member allottees and respondent cannot continue to operate till forever especially when both parties have given signed acceptance that all obligations towards each other are fully satisfied and there are no obligations left on any side to fulfil. Thus, contractual relationship between parties had come to an end on execution of conveyance deed. In such scenario, now after about three to four years from taking possession of shops and execution of conveyance deeds thereafter, Authority cannot entertain grievances of complainant allottees.

Now, after obtaining Occupation Certificate of the project, handing over of possession to allottees and execution of conveyance deed by promoters in favour of allottees, Authority considers that contractual relationship between them have come to an end. Therefore, only the remaining obligations now can be enforced by Authority which is handing over of maintenance of project and common areas of project to the Association of allottees for maintenance at their own level. The allottees should constitute their association of which majority of allottees should be members. Respondents shall prepare a detailed document for handing over of possession of common facilities to Association of allottees for maintenance at their own level. In the handing over document, a comparative statement of facilities as were approved to

be installed in the plans of project vis-à-vis facilities actually created should be prepared. If there is any deficiency in actual installation of infrastructure compared with the approved plans, an option will be available to either rectify the deficiencies or to give adequate money to the Association for rectification at their own level.

Both parties shall prepare the stated documents and argue before Authority on the next date of hearing.

4. *Learned counsel for the complainant has also brought to notice of Authority that respondent has disconnected electricity connection of Shop No. FF-105 on 18.07.2022 without due notice and is further threatening disconnection of electricity connection other member allottees. Authority observes that electricity is a basic infrastructural facility and basic necessity of all human beings and possession of the plot/flat cannot be enjoyed without electricity connection, and respondent cannot disconnect electricity connection without due process. Therefore, respondents are directed to restore electricity connection of aforesaid shops. Respondents shall also maintain status quo and shall not disconnect electricity connection or discontinue any other services which are being provided by them till final disposal of this case. Respondents shall also not alter/cancel/cause any prejudice to rights of member allottees qua their allotted shops.*

5. *Case is adjourned to 15.11.2022 "*

2. Today, Mr. Tarjit Singh Chikara, learned counsel for the complainant submitted that vide order dated 04.08.2022 respondent was directed to prepare a detailed document for handing over of possession of common facilities to Association of allottees for maintenance at their own level. However, till date respondent has failed to file the same. Respondent has

not even contacted with the association regarding handing over of possession of common facilities.

3. On the other hand, Mr. Shubhnit Hans, learned counsel for the respondent submitted that there is no proper association at place. complainant has not filed a list of allottees who are member of the association or if the association is registered with the competent authority. In the absence of a proper association respondent cannot handover the possession of common facilities. At this point, learned counsel for the complainant alleged that respondent has not provided them with a list of total number of allottees.
4. In view of the conflicting statements of both parties, Authority directs both the complainant-association and respondent to hold a meeting on 25.02.2023 which will be attended by all the allottees of the project and formulate a plan to hand over possession of the common facilities to the valid association of the project. In order to facilitate the complainant to form an association with majority of allottees, Authority directs respondent to provide to the complainant a list containing names, addresses, E-mail Ids, if available, and phone numbers of all the allottees of the project by 15.02.2023 . Complainant on its part will contact or send letters to all the allottees of the project requesting them to come forward and become a member of the association. A meeting of the Association will be called by the Association by following prescribed procedure under the relevant Act in which representatives of respondent shall also be

invited. The outcome of the meeting shall be recorded in minutes book.

Both parties will file their respective minutes of the meeting with the

Authority atleast 15 days before next date of hearing.

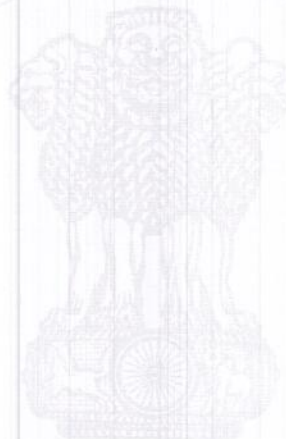
5. Case is adjourned to **26.04.2023**.



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NADIM AKHTAR
[MEMBER]



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DR. GEETA RATHEE SINGH
[MEMBER]



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