



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: 27.07.2023

Hearing: 15TH

Present: -

Mr. Tarjit Singh Chikara, Counsel for complainant

Mr. Shubhnit Hans, Counsel for respondent.

ORDER (NADIM AKHTAR- MEMBER)

1. On the last date of hearing, i.e., 26.04.2023 following order was passed:-

“Vide order dated 07.02.2023 complainant association was directed to conduct a meeting of the members of the association to formulate a plan to hand possession of the common facilities to the recognised association of allottees of the project. A report in this regard was to be filed by both parties but the same have not been filed.

Mr. Tarjit Singh Chikara, learned counsel for the complainant submitted that vide last order respondent was directed to provide the complainant-association a list containing names, addresses, E-mail Ids, if available, and phone numbers of all the allottees of the project by 15.02.2023 to enable the complainant-association to contact all the allottees of the project and request them to come forward to become a member of the association. Despite explicit directions respondent deliberately did not provide the requisite information to the complainant-association because of which the meeting could not take place. Rather respondent has been continuously harassing the members of the complainant-association on ground that it is not a proper association. Respondent has not shied away from using physical force at site and has even cut the electricity connection provided to the registered office of the association. The promoter had received occupation certificate in the year 2019 however, respondent has failed to take initiative to form a proper association of allottees at site of the project.

Learned counsel for the complainant drew attention of the Authority to para 4 of the order dated 01.06.2022 wherein it has clearly been observed 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. Respondent is raising frivolous grounds and is merely engaging in delay tactics to delay handing over of possession of project to the association. He prayed that strict action be taken against respondent promoter on account of non compliance of order of Authority.

On the other hand, Mr. Shubhnit Hans, learned counsel for the respondent submitted that the learned counsel for the complainant is presenting a reverse picture. As per the direction of the Authority, a meeting of the association was in fact conducted on 25.02.2023, however the same was not fruitful as there was a huge



fight at the premises between the members of the association themselves as there is no proper association or order of conduct. Respondent is ready to provide the details but only to the registered association. Learned counsel for the respondent submitted that the court may call upon the office bearers of the RWA in Court and upon verification respondent will handover the list to them.

After hearing both parties, Authority observes that in order to properly adjudicate the issue it is important first peruse the list of members of the association and list of the allottees of the project. Upon examining both the lists, Authority will, thereafter verify the respective claims of both parties and decide thereafter. Both parties are directed to file their respective list of member/allottees within three weeks in the office of the Authority. Case is adjourned to 27.07.2023."

2. Today, Ld. counsel for complainant-association apprised the Authority that list of member-allotees has been filed in registry on 25.07.2023 in compliance of directions issued vide previous order. Ld. counsel for respondent stated that he could not file the list of allottees as the concerned dealing staff/person of respondent got struck due to some medical emergency and hard copy of the list which was to be presented today in the Court is available with him. He sought time of 2 working days to file the list. His request has been accepted.
3. Ld. counsel for complainant further referred to para 3 of order dated 04.08.2022 passed in present complaint, stating, that duty is also cast upon respondent to complete the project after removal of all



infrastructural deficiencies and to handover the maintenance of project with requisite documents and amount of IFMS to the association. He submitted that respondent is not putting any efforts to discharge obligations cast upon it as no detailed action report in compliance of order dated 04.08.2022 has been filed till date. Ld. counsel for respondent referred to order dated 07.02.2023 whereby both parties were directed to conduct a meeting for the redressal of grievances of complainants-allotees but said meeting could not take place due to lack of proper information/list of member of RWA.

4. At this stage, discrepancy regarding proper list of member of association stands sorted out as list of member of RWA has already been filed by complainant in the registry and respondent sought time to file list of members of allottees in next two working days. In respect of issues raised by complainant pertaining to lack of infrastructural facilities and handing over of maintenance of project including IFMS charges, Authority deems it appropriate that respondent should conduct a meeting with the aggrieved allottees of RWA in order to sort out their grievances. All parties should responsibly work towards a mechanism of speedy solution for the issues/grievances present in project-Rodeo Drive. Complainants are directed to provide agenda of meeting detailing out each issue separately in a tabular form so that all members attending meeting should know the issues for discussion beforehand. Said agenda be supplied to Id.



counsel for respondent as well as to this Authority upto 10.08.2023. Meeting shall take place on 26.08.2023 at 11:00 am at the site office of respondent which shall be attended by the president/general secretary of RWA or one authorized representative only and director of respondent company so that effective decisions can be taken at the time of meeting. Ld. counsel for respondent is directed to circulate said agenda to all the requisite staff of respondent company for proper and effective meeting. Complainant/Allottees are advised to co-operate with the respondent towards a workable solution for redressal of their grievances.

5. Respondent is directed to file minutes of meeting in the registry atleast one week prior to next date of hearing.
6. Case is adjourned to 12.10.2023.


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DR. GEETA RATHEE SINGH
[MEMBER]


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NADIM AKHTAR
[MEMBER]