



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in
COMPLAINT NO. 1205 OF 2020

Anil Kumar & Anr.

....COMPLAINANT(S)

VERSUS

M/s Mapsko Builders Pvt. Ltd. (R-1)
M/s Jai Krishna Hi-Tech Infrastructure Pvt. Ltd. (R-2)

....RESPONDENT(S)

CORAM: **Rajan Gupta**
 Anil Kumar Panwar
 Dilbag Singh Sihag

Chairman
Member
Member

Date of Hearing: 13.07.2021

Hearing: 4th

Present: - Sh. Anil Malik, complainant through video conferencing.
Sh. Pradeep Kumar, Counsel for the complainant through video conferencing.
Sh. Akshat Mittal, Counsel for the respondent no.1 through video Conferencing.
None for respondent no. 2

ORDER (RAJAN GUPTA - CHAIRMAN)

1. Complainant had purchased a residential plot bearing no. MG-076 over an area measuring 208 Sq. Yds. in the real estate project namely 'Mapsco Garden Estate' situated in Sector-26, 26A & 27, Sonipat. The said plot was allotted to the complainants with a right to use the common areas and facilities including all easementary rights and on the terms and conditions as contained in the builder buyer agreement dated 26.12.2017. Further, a deed of conveyance has been executed by respondent no. 1 in favour of complainants on 05.07.2018. Accordingly, physical possession of the plot was handed over to the complainants on 13.07.2018.
2. The complainants are aggrieved by the fact that 24 mts. wide road has not been constructed on south side of the plot. The complainant had purchased the plot thinking that it will be located on 24 meters road.
3. Today, complainant along with his counsel appeared via video conferencing and stated that due to builder's failure to develop the said road, they are facing problems during rainy season because the said road becomes full of mud due to which they are unable to reach their home. He also stated that this is the only way reach their home. Despite making several requests to the respondent to discharge his liability, they have failed to do the same. Accepting the allegation made by the complainants, counsel for respondent no. 1 agreed that 24 mts. Road has to be developed on south side of the plot of the



complainants. However, the said road has to be developed by the respondent no. 2 and not by respondent no 1.

4. The Authority observes that the respondent No.1 is developing the colony after purchasing the land of the project from respondent No.2. The colony of the respondent No.1 is a part of a large project being developed by the respondent No.2. Overall layout plans of the larger colony has been got approved by respondent No.2 who is duty bound to create the infrastructure as has been got approved from the State Government authorities.

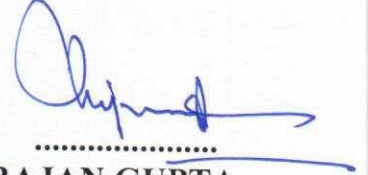
The complainant, however, has entered into an agreement with respondent No.1 and he appears to have been promised that his plot will be adjoining a 24-meter road. He apparently was given to understand that his plot could be accessed from 24 meter road.

The case of the respondent No.1 is that the responsibility of constructing 24 meter road is that of the respondent no.2 and not that of respondent No.1. Learned counsel for the respondent No.1 was not clear whether 24 meter road is to be constructed by HUDA or by respondent No.2.

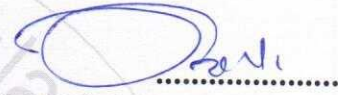
All the facts relating to the responsibility for constructing 24 meter road should be placed before the Authority. The complainant shall also place all documents before the Authority to demonstrate that he was given the understanding that his plot will be located 24 meter road and he could be accessed his plot from this road.

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5. Adjourned to 01.9.2021 when both the parties shall place all relevant documents to demonstrate their rights and liabilities in respect of construction of 24 meter road.



RAJAN GUPTA
[CHAIRMAN]



ANIL KUMAR PANWAR
[MEMBER]



DILBAG SINGH SIHAG
[MEMBER]

