



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 1205 OF 2020

Anil Kumar and anothers

.....COMPLAINANTS

Versus

M/s Mapsko Builders Pvt. Ltd & another

.....RESPONDENTS

CORAM: Dr. Geeta Rathee Singh
Nadim Akhtar

Member
Member

Hearing: 13th

Date of Hearing: 19.07.2023

Present: - Sh. Pradeep Kumar, learned counsel for complainant through VC.

Sh. Akshat Mittal, ld. counsel for respondent no.1

Sh. Vishnu Anand, ld. counsel for respondent no. 2 through VC.

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ORDER (Dr. GEETA RATHEE SINGH - MEMBER)

1. In present complaint, the complainants are aggrieved on account of non-construction of 24mts. road shown to be adjacent to the south side of their plot in the project plan.
2. As per last order dated 20.03.2023 Authority directed respondent no. 1 to arrive at consensus with respondent no. 2 and to get the 24mtr road constructed in a time bound manner and submit a schedule for completion of this road.
3. Today, ld counsel for respondent no. 1 placed a layout plan before Authority and states that part of 24 mtr road has to be developed jointly by respondent no. 1 and respondent no. 2. He stated that share of road in question which has to be constructed by him has already been constructed at site. He placed few photographs before Authority in this regard and said remaining part of road is to constructed by respondent no. 2.
4. Ld counsel for respondent no. 2 referring application dated 10.04.2023 and page no. 9 of said application states that respondent no. 2 is the owner of only small land parcel in said project bearing rectangle no. 11 and 14, consisting total area measuring 17 kanals and 8 marlas i.e. 2.175 acres in village Ahmedpur, district Sonipat, Harayana. He further refers to para 5 of page no. 11 of said application and states that said 24 mtr road falls under land parcel bearing rectangle no. 16 in village Ahmedpur and respondent no. 2 is not the owner of said land parcel on which said road is located. Moreover, as per para

6 of page no. 11 land parcel forming part of 24mtr road is not licensed land and also owned by other companies. He submitted that without having the ownership and license of land parcel over which said road is to be constructed, the respondent no. 2 cannot be made liable towards the construction of the same.

5. By referring to page 10 and page 11 of said application and relevant clause of collaboration agreement he stated that in terms of collaboration agreement it was agreed that respondent no 1 would develop respondent no. 2's land as it falls within said project of respondent no. 1 and respondent no. 1 would alone bear all cost, resources and expenditure as required for development of said project. It means that respondent no. 2 was neither a partner of respondent no. 1 nor its agent. To conclude his averments he stated that respondent no. 2 is not involved in said project nor liable to complainant as there is no privity of contract between complainant and respondent no. 2.
6. On said application, Ld counsel Akshat Mittal for respondent no. 1 stated he has not received a copy of same .He requested that copy of same be supplied to him.
7. After hearing both the parties Authority is satisfied that issue of construction of said road is inter se dispute between respondent no. 1 and respondent no. 2 and allottee cannot be made to suffer due to that. Authority directs the respondent

no. 2 to file an affidavit stating that said land on which 24 mtr road is to be constructed does not belong to him. Further, Authority directs to respondent no. 1 to file reply to the said application dated 10.04.2023 and imposed cost of ₹10,000/- for non-compliance of earlier order.

8. Registry of the Authority is directed to supply a copy of the application dated 10.04.2023 to respondent no. 1.
9. With these directions, case is adjourned to **12.10.2023**.



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NADIM AKHTAR
[MEMBER]



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DR. GEETA RATHEE SINGH
[MEMBER]