



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 1205 OF 2020

Anil Kumar and Another

....COMPLAINANT

VERSUS

M/s Mapsko Builders Pvt. Ltd. & Another

....RESPONDENT

CORAM: Dr. Geeta Rathee Singh

Member

Nadim Akhtar

Member

Date of Hearing: 20.03.2023

Hearing: 12th

Present: Mr. Pradeep Kumar, ld. counsel for complainant through VC
Mr. Akshat Mittal, ld. counsel for respondent
Mr. Vishnu Anand, ld. counsel for respondent no. 2 through VC.

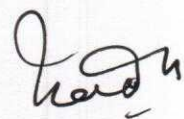
ORDER (NADIM AKHTAR - MEMBER)

1. In present complaint, the complainants are aggrieved on account of non-construction of 24 mts. road shown to be adjacent to the south side of their plot in the project plan.

2. Vide its last order dated 24.11.2022, Authority observed that the issue regarding construction of 24 mtr road at the south side of the complainant's plot is inter se respondent 1 and 2. Respondent 1 is the developer promoter whereas respondent 2 is the landowner promoter. Therefore, project was to be developed by both the respondents unless they prove otherwise. Authority directed both respondents to submit a schedule for completion of the road with an advance copy to complainant before the next date of hearing.

3. Today, both respondent 1 and 2 failed to submit the schedule of completion of the road. Mr. Vishnu Anand, learned counsel for respondent 2 has submitted that he had sent an application dated 14.03.2023 in the registry of office of Authority through post. The same has not been received in the registry of office. Respondent 2 is directed to file this application again.

4. On the other hand, learned counsel for complainant verbally submitted that respondent 1 shifted duty to construct 24 mtrs road on respondent 2. He referred to a collaboration agreement executed between respondent 1 and 2 and submitted that the issue regarding construction of 24 mtrs road is inter se respondent 1 and 2. Respondent 1 at the time of execution of BBA, promised that a 24 mtr wide road will be constructed at the south side of the plot. It is the responsibility of respondent 1 towards the complainant to construct the road as BBA was entered into between complainant and respondent 1.



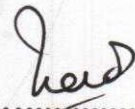
5. Mr. Akshat Mittal, learned counsel for respondent 1 agreed to take up the information regarding construction of 24 meters wide road with respondent 2 and will submit a schedule for completion of the said road.

6. In the light of the above arguments Authority is satisfied that issue as to construction of 24 mtrs road is inter se dispute between respondent 1 and respondent 2. Complainant entered into Builder buyer agreement with respondent 1 and this builder buyer agreement casts a responsibility on respondent 1 to abide by the terms and conditions of the contract. Therefore, Authority directs respondent 1 to arrive at consensus with respondent 2 and get the 24 mtr road constructed in a time bound manner and submit a schedule for completion of this road.

7. With these directions, case is adjourned to 24.05.2023.



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Dr. GEETA RATHEE SINGH
[MEMBER]



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NADIM AKHTAR
[MEMBER]