



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 1205 of 2020

Anil Kumar

....COMPLAINANT

VERSUS

Mapsco Builders Pvt. Ltd.

....RESPONDENT No. 1

Jai Krishna Hi Tech Infrastructures Pvt. Ltd.

....RESPONDENT No. 2

CORAM: Nadim Akhtar

Member

Chander Shekhar

Member

Date of Hearing: 21.10.2024

Hearing: 17th

Present: Adv. Pradeep Kumar, counsel for complainant.

Adv. Akshat Mittal, counsel for respondent no. 1

Adv. Vishnu Anand, counsel for respondent no. 2 through VC

Mr. Saurabh Kalra, Director of respondent no.2-company

Mr. Pankaj Singla, Director of respondent no. 1-company

ORDER: (NADIM AKHTAR-MEMBER)

1. As per last order dated 12.08.2024, following directions were given by the

Authority:

1. *The Authority issued very detailed orders on the issue under consideration, on 22.04.2024.*
2. *Today, Sh. Akshat Mittal, ld. counsel appeared on behalf of respondent no. 1 and requested for an adjournment on the ground that an appeal has been filed before Hon'ble Appellate Tribunal with regard to the question of ownership as to who is responsible to construct the said 24 mtr. wide road. The next date of hearing before the Hon'ble Tribunal is 29.08.2024. Copies of appeal and orders of Hon'ble Appellate Tribunal have not been placed on record.*
3. *Authority enquired from both the respondents as to who has the ownership of 24 mtr. wider internal circulation road? To which ld. counsel for respondent no. 2 replied that an affidavit has been filed in the registry on 13.10.2023, wherein it is clearly mentioned that the project of respondent no. 1 is an independent project and respondent no. 2 has no role in either development or sale of the plots under the said project. Therefore, for the purpose of development of the said project including construction of any road, the respondent no. 2 is neither a partner of respondent no. 1 nor its agent. Further, he relies on order dated 12.10.2023 passed by the Authority, wherein on para 5, Page no. 5, it is clearly mentioned by the Authority that "Authority deems it fit to conclude that respondent no. 1 on whose's representation the complainant purchased the plot in question and executed an agreement for sale has the primary responsibility to construct the said 24mtr wide road as it has developed its licensed colony first and allotted plots to its allottees with a promise of connectivity through 24mtr wide road. Respondent no.2 is yet to develop its project but whenever it will develop the same, he has to construct the portion of road on the land falling in its licensed land. Thus, Authority directs respondent no.1 to construct the said 24mtr wide road as per its sanctioned/approved alignment, in consultation/collaboration with respondent no.2." Further, an application dated 21.03.2023 was filed by respondent no. 2, praying for modification of order dated 24.11.2022, wherein "Authority*



observed that the issue regarding construction of 24 mtr. road at the south side of the complainant's plot is inter se respondent no. 1 and 2. Respondent no. 1 is the developer promoter whereas the respondent no. 2 is landowner promoter. Therefore, project was to be completed by both the respondents unless they prove otherwise. Authority hereby directs both the respondents to submit a schedule for completion of the road to the Authority with an advance copy to the complainant before the next date of hearing." With regard to the same, respondent no. 2 filed this application, stating that the project was only to be constructed by respondent no. 1 and respondent no. 2 is not liable for any development or construction of 24 mtr. road at the south side of the plot in question. Therefore, schedule for completion of road be not made applicable to respondent no. 2. However, respondent no. 1 has failed to file any reply to above said application till date. Further, respondent no. 1 applied to obtain license for the project in question vide license no. 49 of 2010. The same was applied for after the partition of the land in question, and was duly obtained from the DTCP, wherein it is submitted that the land falling under the said license has been duly developed by the respondent no. 1.

- 4. On the other hand, ld. counsel for respondent no. 1, submitted that an application has already been submitted in the registry as how respondent no. 1 is not liable to construct the said road. Further, respondent no. 1 has specifically mentioned that no specific PLC charges were charged from the complainant Sh. Anil Kumar qua the 24 Mtr. wide road in question.*
- 5. Ld. counsel for complainant stated that as per last order dated 22.04.2024, MDs of the respondent companies were directed to appear before the Authority on the next date of hearing. However, respondent companies have failed to comply with these directions passed by the Authority. To which, ld. counsel for respondent no. 1 replied that with regard to the presence of MD before the Authority, he seeks an exemption as before that respondent no. 1 wants to file certain documents before the Authority. Ld. counsel for respondent*



- no. 2 stated that concerned person is out of country, so he could not appear before the Authority today.*
6. *Authority observes that both the respondents have failed to place on record exemption applications with regard to the non presence of their MDs. The presence of MD's were required to clearly understand the responsibilities of respondent no.1 and respondent no. 2 viz a viz 24 mtr. Wide internal circulation road and to resolve the issue amicably.*
7. *Respondent no. 1 has also not paid cost of ₹10,000 payable to the Authority imposed vide order dated 19.07.2023. Considering the non seriousness of the respondents towards directions passed by the Authority, Authority deems appropriate to impose cost of ₹1,00,000/- each on the both the respondents for failing to comply with the last directions of the Authority. The cost must be paid before the next date of hearing failing which Authority will be constrained to initiate penal proceedings prescribed under the RERA Act, 2016. Authority reatrites its earlier order, dated 22.04.2024 and directs the Chairman/ MDs of both the respondent companies to remain physically present on the next date of hearing to assist the Authority. Thus, respondent no. 1 is also directed to pay earlier imposed cost of 10,000/- payable to the Authority before the next date of hearing.*
8. *Further, Office is directed to send a detailed notice to the office of DTCP, Haryana, DC Sonipat and DTP Sonipat to ascertain the status of land falling under the said 24 mts. wide road and to place on record copies of approved layout plans clearly depicting the alignment of the said 24 mtr. wide road, details of licencees and pinpoint the responsibly of developer who has to construct the said road.*
2. In compliance with the previous order, the office of the Authority sent a detailed notice to DTCP Haryana, DC Sonipat, and DTP Sonipat requesting the specified report. However, no response has been received



in the Authority till date. The Authority believes it is prudent to wait for the report to ascertain the actual status of the land under the specified 24-meter-wide road.

3. The directors of the respondent companies stated that the 24-meter-wide road does not fall within the land owned by either of the company and instead is part of an unlicensed colony. They clarified that the road can only be constructed, if and when the government acquires the land. As of now, none of the respondent companies are in a position to construct the said road.
4. The learned counsel for respondent no. 1 stated that the previously imposed cost of ₹10,000/- payable to the Authority has been paid by respondent no. 1. Additionally, regarding ₹1,00,000/- cost imposed by the Authority during the last hearing on both the respondents, both respondents verbally requested a waiver of this amount. Authority declined the waiver request and instructed both respondents to pay the ₹1,00,000/- each as cost to the Authority before the next hearing date and submit proof payment in the registry of the Authority.



5. Office is directed to follow up the matter with concerned Government authorities/ offices for an early reply. Case is adjourned to 20.01.2025, awaiting report from DTCP Haryana, DC Sonipat and DTP Sonipat.


.....
CHANDER SHEKHAR
[MEMBER]


.....
NADIM AKHTAR
[MEMBER]