



Complaint No. 582 of 2018 & Ors.

HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

1. COMPLAINT NO. 582 OF 2018

Hemant Narula & Pooja Narula

....COMPLAINANTS

VERSUS

M/s Dhingra Jardine Infrastructure Pvt. Ltd.

....RESPONDENTS

& M/s B. V. M. Projects Pvt. Ltd.

M/s H. S. Oberoi – VSPL JV

Mr. Sanjeev Dhingra

2. COMPLAINT NO. 1073 OF 2018

Inder Pal Singh

....COMPLAINANT

VERSUS

M/s Dhingra Jardine Infrastructure Pvt. Ltd.

....RESPONDENTS

& M/s B. V. M. Projects Pvt. Ltd.

3. COMPLAINT NO. 552 OF 2019

Arvind Pandey

....COMPLAINANT

VERSUS

M/s B. V. M. Projects Pvt. Ltd.

....RESPONDENTS

& M/s Dhingra Jardine Infrastructure Pvt. Ltd.

4. COMPLAINT NO. 553 OF 2019

Nirmal Kumar

....COMPLAINANT

VERSUS

BVM Projects Pvt. Ltd.

....RESPONDENTS

& Dhingra Jardine Infrastructure Pvt. Ltd.

5. COMPLAINT NO. 600 OF 2019

Gurpreet Kaur

....COMPLAINANT

VERSUS

Dhingra Jardine Infrastructure Pvt. Ltd.

....RESPONDENTS

& BVM Projects Pvt. Ltd.

6. COMPLAINT NO. 590 OF 2019

Rakesh Kumar & Kiran

....COMPLAINANTS

VERSUS

Dhingra Jardine Infrastructure Pvt. Ltd.

....RESPONDENTS

& BVM Projects Pvt. Ltd.

7. COMPLAINT NO. 614 OF 2019

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Leela Kanoi and Parmeswar L. Kanoi

....COMPLAINANTS

VERSUS

Dhingra Jardine Infrastructure Pvt. Ltd.

....RESPONDENTS

& BVM Projects Pvt. Ltd.

8. COMPLAINT NO. 926 OF 2019

Rinku Kumari

....COMPLAINANT

VERSUS

Dhingra Jardine Infrastructure Pvt. Ltd.

....RESPONDENTS

& BVM Projects Pvt. Ltd.

9. COMPLAINT NO. 1530 OF 2019

Vidhi Desai

....COMPLAINANT

VERSUS

Dhingra Jardine Infrastructure Pvt. Ltd.

....RESPONDENT

10.COMPLAINT NO. 1543 OF 2019

Ashok Kumar

....COMPLAINANT

VERSUS

Dhingra Jardine Infrastructure Pvt. Ltd.

....RESPONDENT

& BVM Projects Pvt. Ltd.



11. COMPLAINT NO. 2236 OF 2019

Vinay Panwar

....COMPLAINANT

VERSUS

Dhingra Jardine Infrastructure Pvt. Ltd.

....RESPONDENT

12. COMPLAINT NO. 2361 OF 2019

Vineet Kumar

....COMPLAINANT

VERSUS

Dhingra Jardine Infrastructure Pvt. Ltd.

....RESPONDENT

13.COMPLAINT NO. 2422 OF 2019

Aditi Khurana

....COMPLAINANT

VERSUS

Dhingra Jardine Infrastructure Pvt. Ltd.

....RESPONDENT

14.COMPLAINT NO. 2617 OF 2019

Flat Buyers Welfare Association Gemini Grove Duplex ...COMPLAINANT

REGD Sector Eighty Faridabad

VERSUS

Dhingra Jardine Infrastructure Pvt. Ltd.

....RESPONDENT

15.COMPLAINT NO. 2694 OF 2019

Dhingra Jardine Suburban Resident Welfare
Association Sector Eighty Faridabad

.....COMPLAINANT

VERSUS

Dhingra Jardine Infrastructure Pvt. Ltd.

....RESPONDENT

CORAM: Rajan Gupta

Chairman

Anil Kumar Panwar

Member

Dilbag Singh Sihag

Member

Date of Hearing: 14.11.2019

Hearing: : 1st in COMPLAINT NO. 2694 OF 2019

1st in COMPLAINT NO. 2617 OF 2019

1st in COMPLAINT NO. 2422 OF 2019

2nd in COMPLAINT NO. 2236 OF 2019

2nd in COMPLAINT NO. 2361 OF 2019

3rd in COMPLAINT NO. 1530 OF 2019

3rd in COMPLAINT NO. 1543 OF 2019

3rd in COMPLAINT NO. 926 OF 2019

3rd in COMPLAINT NO. 614 OF 2019,

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4th in COMPLAINT NO. 553, 590,600 OF 2019,

5th in COMPLAINT NO. 552 OF 2019,

7th in COMPLAINT NO. 1073 OF 2018,

8th COMPLAINT NO. 582 OF 2018.

Present: - Proxy Mr. Rajan Kumar Hans , Counsel for the Complainants
(in Complaint No.582 of 2018)

Mr. Rajan Kumar Hans, Counsel for the Complainants
(in Complaint No. 552, 553 & 2694 of 2019)

Mr. Shubhnit Hans, Counsel for the Complainants
Along with Dr. Vikas sharma
(in Complaint No. 2617 of 2019)

Complainant in Person
(in Complaint No. 1073 of 2019)

Mr. Deepak (in Complaint No. 1530 of 2019)

Mr. Piyush Gupta (in Complaint No. 1543 of 2019)

Mr. Suresh Kumar (in Complaint No. 2361 of 2019)

None for the Complainants
(in Complaint No.590, 600, 614, 926, 2236, 2422 of 2019)

Mr. Vivek Sethi, Counsel for the respondent & Sh. Sanjeev
Dhingra, shareholder of Dhingra Jardine Infrastructure Pvt. Ltd.

Mr. Hitinder Singh Lalli, Counsel for the respondent for Manveer
Singh Oberoi.

ORDER (DILBAG SINGH SIHAG-MEMBER)

1. All the complaints were heard together as these all pertain to the same project of the respondent and nature of their grievance and facts are similar and identical. After conclusion of the proceedings of the day, at the time of rising of the court, a mention was made by Mr. Hitinder Singh Lalli, who appeared on behalf of Shri Manveer Singh Oberoi. His vakalatnama was taken on record.

2. In the orders dated 01.10.2019, Authority had observed that it would consider handing over the project as a whole or tower wise to the Associations of allottees provided two third of them could come together and prove their seriousness and competence to complete the tower/project before the Authority in accordance with the principles laid down in **Complaint case No. 89 of 2019 titled Piyush Heights Residents Towers J & K Welfare Association vs M/s Piyush Buildwell India Ltd.** in which, project had been decided to be handed over to the Association of allottees.

In pursuance thereof, two new Complaints No. 2694 of 2019 & 2617 of 2019 have been filed by duly constituted Resident welfare Association of two towers namely Dhingra Jardine Suburban Resident Welfare Association Sector Eighty Faridabad & Flat Buyers Welfare Association Gemini Grove Duplex REGD Sector Eighty Faridabad against Dhingra Jardine Infrastructure Pvt. Ltd. Learned counsels appearing on behalf of Suburban Resident Welfare

Association & Flat Buyers Welfare Association Gemini Grove Duplex have toady informed the Authority that construction work of these two towers is complete about hundred percent and ninety percent respectively. While the allottees of remaining towers of the project have claimed that construction work of Tower- C (blue Solitaire), Tower D & E (California Country), Gloria and EWS tower are about seventy, ninety, seventy, sixty and forty percent complete. The allottees of remaining towers also apprised the Authority that they are also in the process of formation of registered associations and will file separate complaints through their respective associations immediately thereafter. The Authority assured the allottees of remaining towers that a similar process would be followed for them, provided two third of them could come together and prove their seriousness and competence to complete the tower/project before the Authority in accordance with the principles laid down in Complaint case No. 89 of 2019 titled Piyush Heights Residents Towers J & K Welfare Association vs M/s Piyush Buildwell India Ltd. They will also have to go through a similar process and all associations will have to coordinate with each other for completion of the infrastructural works, requiring lot of commitment and sincerity.

3. Allottees of remaining towers also expressed their fear and apprehension that despite payment of approximately ninety percent made by them towards their units, their towers are least complete and their money has been invested for completion of other towers. Therefore, other towers will be

completed at their cost. The Authority assured them that tower-wise handover and completion will be done after taking into account the amounts deposited and dues recoverable from each allottee of respective towers.

4. Both the Resident Welfare Associations have requested the Authority to handover the possession of their respective towers to them to enable them to complete the remaining work. They further informed the Authority that they are in the process of engaging govt. approved Chartered Accountant, Engineer/ surveyor etc to assess the cost of remaining construction work after taking into account the unsold inventory, stocks and assets and liabilities pertaining to their towers. It has been brought to the notice of the court that since the infrastructural facilities in the project were laid out for the project as a whole therefore, in view of the present circumstances, when the project will be developed tower-wise, these facilities have to be examined and revised accordingly.

5. Today, Mr. Sanjeev Dhingra, shareholder of Dhingra Jardine Infrastructure Pvt. Ltd. has also appeared before the Authority. A detailed reply has been filed by Sh. Sanjeev Dhingra whereby he has stated that due to fraudulent acts of Sh. Manveer Singh Oberoi, they were not able to complete the construction of the project. However, Authority has already passed its detailed order dated 01.10.2019 dealing with all the issues pertaining to the claims/objections of Sh. Manveer Singh Oberoi.

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On enquiry by the Authority from Sh. Sanjeev Dhingra regarding his locus standi, he has admitted that a duly constituted Board of Directors is presently not in existence and sought some time to constitute the same. He also stated that he is inclined to complete the project and is in the process of arrangement of funds through roping in some investors for completion of the project. He sought some time to make such necessary arrangements for completion of the project.

The Authority considers that at present virtually there is no legitimate Managing Director, or full time directors of the company and even there is no duly constituted board of directors in existence. Therefore, in case, Sh. Sanjeev Dhingra wishes to assert his claim to complete the project as promoter of the company, he shall file a resolution in his favour passed by a duly constituted board of directors. He shall also file evidence reflecting the constitution of board of directors on the website of registrar of companies. He shall also show his seriousness to complete the project by opening an escrow account and depositing substantial amount for carrying out construction work and also file his proposed plan of action for completion of the project.

6. The representatives of the association today apprised the Authority that they threatened and denied access to the project site by representatives of Sh. Sanjeev Dhingra. Sh. Sanjeev Dhingra replied that the access is only denied to unauthorized persons to avoid theft of stock etc. The Authority observes that in the present circumstances, when the Resident

welfare Associations have been formed for tower-wise take over the project, therefore, the executive members/ office bearers of these associations along with their engineers, surveyors and chartered accountant will require repeated visits for various assessments, survey etc. for completion of remaining construction work. In view of this, Sh. Sanjeev Dhingra is directed to allow entry/access to the office bearers/representatives of the aforementioned RWA's for various assessment, inspection etc. for completion of the remaining construction work. The names and designation of the office bearers of the two aforementioned RWA's are as follows:

List of Office bearers of Dhingra Jardine Suburban Resident Welfare Association Sector Eighty Faridabad.

S. No	Name	Designation
1.	Virender Adhana	President
2.	Rahul Gupta	General Secretary
3.	Sushil Kumar Singh	Vice President
4.	Ankit Bhardwaj	Treasurer
5.	Pallav Mukherjee	Executive Member
6.	Ankur Vashisht	Executive Member
7.	Jai Mediratta	Executive Member
8.	S. K. Dhall	Joint Secretary
9.	Sanjeev Kumar Sinha	Executive Member

List of Office bearers of Flat Buyers Welfare Association Gemini Grove Duplex REGD Sector Eighty Faridabad.

S. No	Name	Designation
1.	Dr. Vikas Sharma	President
2.	Sh. Gurcharan Singh	Vice President
3.	Mr. Mukesh Khanduja	Gen. Secretary

4.	Mr. Anand Kumar Jain	Treasurer
5.	Mr. Vikram Jeet Singh	Executive Member
6.	Mr. Mridul Singh rathore	Executive Member
7.	Mr. Anshul Gupta	Executive Member

7. In order to take over the remaining construction work of the two aforementioned towers, both RWA's should come up with this proposed plan of action in accordance with the guidelines given above for taking over of their respective towers in accordance with rule 8 of the RERA Act on the next date of hearing. Following directions are also given to the complainants:-

- (a) Associations may open a bank account to be operated by atleast three joint signatories to be nominated by the associations. The associations shall then engage a technical team comprised of an Engineer, an Architect and the Chartered Accountant to prepare detailed status report of the project. This team shall also prepare a detailed tower wise project report for carrying out the remaining works detailing therein the list of works to be carried out and the likely expenditure involved. They will also prepare an account statement stating therein the outstanding dues against each allottees in respect of the sale price of the apartments inclusive of EDC, IDC and taxes. A commitment in form of affidavits should also be secured from each of the allotted that they are willing to pay the remaining money.

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- (b) The associations shall then assess whether enough money can be mobilized by them for getting the project completed. The shortfall, if any, should be divided into two parts: (i) shortfall for completion of the apartments (ii) shortfall for completion of infrastructure. While the shortfall towards completion of the apartments may be contributed by the apartments allottees subject to the recovery from the respondent on a later date, (iii) the shortfall towards infrastructure should be demanded from the Director, Town & Country Planning Department by invoking bank guarantee of the respondents to that extent.
- (c) The Director, Town & Country Planning Department shall nominate STP/DTP, Faridabad to actively associate himself in the activities of the associations and for guiding them on various technical/legal parameters so that the associations are able to get the occupation certificate of the project in due course of time.
- (d) The Associations shall take further action on these directions and submit their report to the Authority on the next date of hearing.
- (e) State Govt, in Town & Country Planning Department was also requested to express their views for taking over of the project in accordance with amended section 18 of the

Haryana Development and Regulation of Urban Areas Act, 1975 vide order dated 01.10.2019. No communication regarding the same has been received from the department in this matter. Therefore, the Director, Town & Country Planning Department shall submit his report on various issues listed in this order at least one week before the next date of hearing.

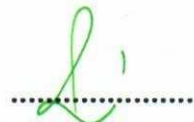
With above directions case is adjourned to 07.01.2020.



RAJAN GUPTA
[CHAIRMAN]



ANIL KUMAR PANWAR
[MEMBER]



DILBAG SINGH SIHAG
[MEMBER]