



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

1. COMPLAINT NO. 2676 OF 2019

Tuscan City Floors LX To CL

...COMPLAINANT

Residents Welfare Association

VERSUS

M/S TDI Infrastructure Ltd.

....RESPONDENT

2. COMPLAINT NO. 2627 OF 2019

RWA W Block TDI City Kundli

....COMPLAINANT/S

VERSUS

M/s TDI Infrastructure Ltd.

....RESPONDENT/S

3. COMPLAINT NO. 2629 OF 2019

Terrace Garden Kingsbury Apartments

....COMPLAINANT/S

VERSUS

M/s TDI Infrastructure Ltd.

....RESPONDENT/S

4. COMPLAINT NO. 637 OF 2020

Kingsbury B & D Tower ...COMPLAINANT

Residents Welfare Association TDI CITY Kundli

VERSUS

M/S TDI Infrastructure Ltd.RESPONDENT

5. COMPLAINT NO. 725 OF 2021

RWA EFGZRL SIX BLOCKS ...COMPLAINANT

KINGHSBURY TDI CITY KUNDLI

VERSUS

M/S TDI Infrastructure Ltd.RESPONDENT

6. COMPLAINT NO. 757 OF 2021

KINGSBURY HJK BLOCKS RWA ...COMPLAINANT

VERSUS

M/S TDI Infrastructure Ltd.RESPONDENT

7. COMPLAINT NO. 781 OF 2021

RWA UVY BLOCKS ...COMPLAINANT

VERSUS

M/S TDI Infrastructure Ltd.RESPONDENT

8. COMPLAINT NO. 782 OF 2021

C TOWER TDI KINGSBURY RWA

...COMPLAINANT

VERSUS

M/S TDI Infrastructure Ltd.

....RESPONDENT

9. COMPLAINT NO. 783 OF 2021

A TOWER TDI KINGSBURY RWA

...COMPLAINANT

VERSUS

M/S TDI Infrastructure Ltd.

....RESPONDENT

CORAM: Dilbag Singh Sihag

Member

Nadim Akhtar

Member

Dr. Geeta Rathee Singh

Member

Date of Hearing: 21.09.2022

Hearing: 17th in Complaint No. 2676 of 2019.

19th in complaint No. 2627 & 2629 of 2019.

14th in Complaint No. 637 of 2020.

7th in Complaint No. 725, 757, 781, 782, 783 of 2021

Present: - Mr. Deepak Dhaiya, Ld. Counsel for all complainants through
VC. (in all the complaints)
Mr. Shubhnit Hans, Ld. Counsel for respondent.
(in all the complaints)

ORDER (Dr. GEETA RATHEE SINGH-MEMBER)

1. While perusing record of the case, it is observed that captioned cases are listed to evaluate status of removal of deficiencies in project being developed by the respondent promoter TDI Infrastructure ltd. On last date of hearing, learned counsel for complainants apprised the Court that approximately 40 to 50 percent of deficiencies have been removed. However, the learned counsel for respondent promoter was unable to point out the pending deficiencies. Learned counsel for the respondent had stated that as per his information most of the deficiencies have been removed and had sought some time to remove the remaining deficiencies and file the actual status report qua the same. Therefore, Authority had directed respondent to hold a meeting with complainant allottees to discuss status of deficiencies, work in progress and ways to remove the same. Respondent promoter was also directed to remove all the deficiencies to the satisfaction of complainants and file minutes of said meeting along with a report reflecting removal of all deficiencies signed by complainants showing their satisfaction.

2. Neither party has submitted any document/information showing status of progress made towards removal of deficiencies.

3. Learned counsel for the complainants apprised the Court that although respondent had arranged a meeting with allottees but it was a mere eyewash. The representative of respondent who was present at that meeting without actually removing all deficiencies made a bald statement that respondent company has removed all deficiencies and did not commit any further efforts to address and resolve the remaining issues.

4. On a query put by Authority to enumerate the major deficiencies which are still remaining, learned counsel for the complainants replied that although certain deficiencies have been removed but many are yet to be removed. He specifically brought to notice of the Authority issue of waterlogging, seepage in basement of the towers, due to which basements has been rendered useless. He also apprised that no proper arrangements have been made by respondent for firefighting and maintenance of shafts. He further stated that no proper arrangement has been made by respondent for proper disposal of sewerage waste. Further, respondent has also failed in his obligation to provide requisite infrastructure and construct electrical substation to enable Uttar Haryana Bijli Vitran Nigam officials to give a permanent electricity connection. Pointing out, these major deficiencies,

learned counsel for the complainants requested Authority for speedy redressal of the grievances of the complainants .

5. At this stage, Authority posed question to both parties if the respondent has received occupation certificate and whether project/s has been handed over to the complainant associations. Learned counsel for the complainants apprised that respondent has not handed over project complete in all respects, only housekeeping maintenance have been handed over to Complainants. Learned counsel for the respondent replied that respondent had actually offered, complete handing over of the project to associations but the complainant associations refused to accept the same on the ground that project/s has deficiencies. He further stated that since projects in all complaints have been completely developed and occupation certificate as well as part completion certificates were received between 2008 -2017, therefore, possession of units/plots etc. were duly handed over to allottees during that time but due to passage of time now the condition of buildings etc. have deteriorated. He also stated that although the project namely 'Tuscan City' which is part of larger project i.e. 'TDI City' has not received occupation certificate but the same also has been developed and delivered. He also informed Authority that respondent promoter has removed major deficiencies but complainant associations are not cooperating with them to arrive at consensual resolution of disputes.

6. After hearing both parties and perusal of the record, Authority directs respondent to handover all documents in original to complainant associations pertaining to project like building plans, service plans etc. and transfer interest free maintenance security (IFMS) to the associations after executing agreement with them. Respondent is also directed to hold a meeting with complainant allottees on 01.10.2022 at 11:00 A.M. to evaluate status of deficiencies which have not yet been removed and work in progress and to make proper arrangement to remove the same.

Officer from top management of respondent shall conduct said meeting to redress grievances of complainant allottees and to remove pending deficiencies. Respondent shall file the minutes of meeting along with status report reflecting the work done to remove deficiencies, estimated cost incurred on the same and work remaining and estimated cost to achieve the same at least a week before the next date of hearing with an advance copy to the complainants. It is advised that learned counsels for both parties be present at said meeting to facilitate the process.

Respondent is also directed to file copy of service plan and all other relevant documents at least a week before next date of hearing. Respondent shall also prove that he has already incurred expenditure for development of infrastructure of the project as estimated in service plan of the project/s. Same will enable Authority to determine the extent of liability of

respondent towards cost of removal of deficiencies. Respondent is further directed to remove all the deficiencies before the next date of hearing to the satisfaction of complainants failing which Authority will appoint senior level retd. engineer as Local Commissioner to evaluate the existing condition of the project.

7. Cases are adjourned to 11.10.2022.



Dr. GEETA RATHEE SINGH
[MEMBER]



NADIM AKHTAR
[MEMBER]



DILBAG SINGH SIHAG
[MEMBER]