



Complaint No. 2676 of 2019 & ors.

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

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4. COMPLAINT NO. 637 OF 2020

Kingsbury B & D Tower

...COMPLAINANT

Residents Welfare Association

TDI CITY Kundli

VERSUS

M/S TDI Infrastructure Ltd.

....RESPONDENT

CORAM: Anil Kumar Panwar
Dilbag Singh Sihag

Member
Member

Date of Hearing: 07.01.2021

Hearing: 6th in Complaint No. 2676 of 2019.

8th in complaint No. 2627 & 2629 of 2019.

5th in Complaint No. 637 of 2020.

Present: - Mr. Deepak Dhaiya, Ld. Counsel for all the complainant through VC.

Mr. Shobit Phutela and Mr. Shubhnit Hans, Ld. Counsels for the respondent through VC.

Ms. Kanika Agnihotri, Ld. Counsel for M/s Cannes Management Property Pvt. Ltd. through VC.

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ORDER **(DILBAG SINGH SIHAG-MEMBER)**

1. On last date of hearing i.e. 09.12.2020, Authority had directed the respondent promoter to file revised minutes containing comprehensive action plan since minutes of meetings earlier filed by respondent promoter were vague and did not disclose in detail precise manner and time by which required rectification will be carried out and be completed.

2. Learned counsel for the complainants today stated that respondent has failed to file aforesaid minutes as directed by Authority vide order dated 09.12.2020 till date. He further stated that respondent promoter has also failed to carry out rectifications as promised to them till date. He also stated that due to harsh weather accompanied with rains, rainwater has accumulated making living conditions further difficult for complainant allottees. Learned counsel for the complainants further stated that that although all the allottees residing in the project have already paid their electricity bills and there is no outstanding on account of electricity bills against resident allottees, respondent promoter on pretext of recovery of Common Area Charges (hereinafter referred to as CAM Charges) outstanding against the allottees has started disconnecting electricity connections of the allottees. Complainants' counsel also argued that even if some of the amount on account of Common Area Charges may be outstanding against the allottees,



respondent promoter cannot disconnect their electricity connection in order to recover the same.

3. Learned counsel for the respondent undertook to file revised minutes of meeting along with comprehensive action plan in compliance of order dated 09.12.2020 within two days. He further stated that respondent promoter has already initiated process of removal of deficiencies and will complete the same with in time as proposed in the comprehensive action plan. He informed Authority that if electricity connections as alleged by complainant's counsel have been disconnected that must be on account of default of allottees in payment of their electricity dues. He also stated that allottees are also in default of payment of CAM charges to M/s Cannes Property Management Services Pvt. Ltd. He further stated that since maintenance of services in the project falls within the preview of M/s Cannes Property Management Services Pvt. Ltd. therefore M/s Cannes Property Management Services Pvt. Ltd. should be impleaded as a party in all the complaints for redressal of grievances of complainants' Associations regarding deficiencies in services.

4. Learned counsel for M/s Cannes Property Management Services Pvt. Ltd. today stated that application for impleading as respondent in all complaints along with reply on behalf of M/s Cannes Property Management Services Pvt. Ltd. have been filed yesterday in compliance of order dated

09.12.2020 passed by Authority. She further stated that since most of the grievances of complainants are regarding maintenance services, qua which M/s Cannes Property Management Services Pvt. Ltd. is responsible, therefore, M/s Cannes Property Management Services Pvt. Ltd. should be impleaded as a party in all the complaints for redressal of grievances of complainants' Associations regarding deficiencies in services. She further stated that a huge amount on account of CAM charges is outstanding against all allottees and same is biggest hurdle in meeting certain maintenance services. She undertook to file affidavit on behalf of M/s Cannes Property Management Services Pvt. Ltd. regarding allottee-wise due pending against all the allottees on account of CAM charges as well as electricity connections.

5. After hearing all parties and perusal of the record, Authority observes and directs as follows :

- i. M/s TDI Infrastructure i.e. respondent company is directed to file revised minutes containing comprehensive action plan in compliance of order dated 09.12.2020 within two days and supply its advance copy to complainants and M/s Cannes Property Management Services Pvt. Ltd.
- ii. So far as issue regarding disconnection of electricity of allottees raised by learned counsel for the complainants is concerned this issue needs immediate attention and the same

apparently falls within jurisdiction of M/s Cannes Property Management Services Pvt. Ltd., therefore, M/s Cannes Property Management Services Pvt. Ltd.'s application for impleading it as party in all the complaints is allowed subject to decision on objections, if any taken by complainants in their reply to said application.

iii. Authority directs M/s Cannes Property Management Services Pvt. Ltd. to file affidavit with an advance copy to the complainants, stating therein in a tabular form amount deposited and dues pending against resident and non-resident allottees on various accounts including CAM charges as well as electricity dues.

iv. Complainant's counsel has today stated that there is no outstanding on account of electricity bills of resident allottees and outstanding amount on account of CAM charges which might be due towards maintenance company does not entitle respondents to disconnect electricity connections of allottees. Authority, is of prima facie opinion that respondent promoter/maintenance company {who is responsible for providing and maintaining the essential services, on reasonable charges, till the taking over of the maintenance of the project by Association of the allottees as per section 11(4) (d) of RERA Act, 2017} is entitled to recover

its dues, if any from allottees. Therefore, complainants are also directed to file counter affidavit stating amounts deposited by all allottees on account of maintenance services including CAM charges as well as electricity in a tabular before the next date of hearing and supply advance copy to the respondents.

v. Application for impleading M/s Cannes Property Management Services Pvt. Ltd. as respondent in all complaints along with its reply have been filed yesterday, the same be sent to the complainants. Complainants may file their reply to the said application with an advance copy to M/s Cannes Property Management Services Pvt. Ltd before next date of hearing.

6. Case is adjourned to 28.01.2021.


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ANIL KUMAR PANWAR
[MEMBER]


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DILBAG SINGH SIHAG
[MEMBER]