



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

1. COMPLAINT NO. 2676 OF 2019

Tuscan City Floors LX To CL
Residents Welfare Association

...COMPLAINANT

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
Residents Welfare Association TDI CITY Kundli

...COMPLAINANT

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



10. COMPLAINT NO. 973 OF 2021

Kuldeep Singh

....COMPLAINANT

VERSUS

TDI Infrastructure Limited.

....RESPONDENT

11. COMPLAINT NO. 1950 OF 2022

S Block Kingsbury Resident Welfare
Association Regd

....COMPLAINANT

VERSUS

TDI Infrastructure Ltd.

....RESPONDENT

CORAM:

Dr. Geeta Rathee Singh

Member

Nadim Akhtar

Member

Date of Hearing: 18.04.2023

Hearing:

21st in Complaint No. 2676 of 2019.

23rd in Complaint No. 2627 & 2629 of 2019.

18th in Complaint No. 637 of 2020.

11th in Complaint No. 725, 757, 781, 782, 783 of 2021

8th in Complaint no. 973 of 2021

5th in Complaint no. 1950 of 2022

Present: -

Mr. Deepak Dhaiya, Counsel for complainant
(in all complaint no.(s) from S.no 1 to 9)

None for complainant (in complaint no. 973 of 2021)

Mr. Tarjit Singh Chhikara, Counsel for complainant
(in complaint no. 1950 of 2022)

Mr. Shubhnit Hans, Counsel for respondent.

ORDER (NADIM AKHTAR- MEMBER)

1. Captioned complaint cases have been taken up together as bunch cases as they pertain to same project of the respondent and facts and grievances involved are also similar. Cases have been listed for hearing to evaluate the status of deficiencies in the project being developed by the promoter and the rectification/action plan for their removal. Both parties have filed their respective photographs of the project which have been taken on record.
2. All parties concerned have been heard at length today on issues concerning complainant-association's grievances regarding the structural deficiencies existing in the project and handover of maintenance of the project to the registered associations. After deliberations, the issues involved in the project and submissions of all parties have been recorded as under:
 - i. Initiating his arguments, Mr. Shubhnit Hans, learned counsel for the respondent submitted that the project in question i.e 'Kingsbury' situated at Kundli, Sonapat is a group housing project developed by the respondent on a piece of land under three common land use licences. Occupation certificate for the said project has been



received by the respondent company and the allottees have already been living in the said project. Each block has instituted an independent RWA and these respective associations are before this Authority in the form of captioned complaints. Respondent promoter has already handed over maintenance of the project including common area maintenance charges, operation of lifts, DG set, security etc to the registered association in July 2020 and since then these operations are solely being managed by respective associations only. Maintenance charges are entirely collected by the associations and no amount is being used by the promoter.

In rebuttal, it is submitted by the complainant association that respondent promoter has only handed over the soft services of the project to the association. Primarily maintenance charges are disbursed to maintenance agency employed by the promoter and only the remaining amount is available to the association for use. Further respondent has not yet handed over maintenance of the pump room , fire system etc.



- ii. It is further submitted by the complainant association that respondent promoter has failed to comply with the fire safety norms and sewage system is not being maintained properly because of which the pipe lines have been damaged. Respondent did not handover maintenance of the fire system and cylinders, pump room and sewerage treatment plant to the association despite repeated requests.

Mr. Shubhnit hans, submitted that these services have already been handed over to the RWA which were duly tested at the time of handing over. Thereafter, all services within the boundary wall of the project including services related to Fire fighting system , AMC of fire engines, pump room and pipe lines are to be maintained by the RWA from the maintenance charges collected from various allottees. It is the respective associations who may be directed to repair/rectify any damage that may have occurred at the site.

- iii. With regard to electricity connection, it is alleged by the complainant association that respondent promoter has not provided sufficient electricity infrastructure at the site



to ensure regular supply of electricity to the project. In a letter issued by the UHBVN to respondent promoter it has been mentioned that atleast a 33 KVA power plant is required to satisfy the energy requirements of the project. However, the electricity to the project is provided through a high tension line coming to the project from a distance of about 9 KM which results in regular power outage at the site of the project. Further respondent has installed prepaid metres but has not cleared the due of UHBVN.

Mr. Shubhnit Hans, learned counsel for the respondent submitted that respondent has installed one electric metre per block and further sub metres for individual units are installed by the Association which are prepaid connections. The bulk metre charges are to be maintained through CAM charges and for the past three years, the same is being maintained by the registered RWAs only. There are approximately 2900 load sets which are divided amongst them by the RWAs themselves. At the time of construction of project there was no dedicated feeder to the Kingsbury project. However, respondent at its own cost has got laid a



dedicated high tension line to Kingsbury. Further, land parcel has already been handed over to UHBVN for construction of electric substation. With regard to electricity cuts, he submitted that the dedicated high tension line passes through agriculture fields and in summer season dry lands pose a risk of fire outage, due to which power supply is cut in the line by UHBVN. Beyond these, there are no power outages on the part of respondent promoter. Further, all diesel generator sets have already been handed over to respective RWAs although the diesel is provided by the promoter itself.

- iv. Mr. Deepak Dahiya, learned counsel for association submitted that as per sanctioned plan there were 5-6 club houses which were to be constructed by the respondent. However, at present there is only one club house, constructed in TDI City, which is open for all. There is no dedicated club house in the project Kingsbury itself. In rebuttal, Mr. Shubhnit Hans, learned counsel for the respondent submitted that there is a fully functional club house existing at the site which has been constructed as per the sanctioned plan.



3. After hearing both parties and pursuing documents placed on record, Authority observes that effective steps have been taken/initiated by the respondent in removing the deficiencies existing at the site and further repair work is still under process. However, the major point of contention between the association and respondent promoter is with regard to the maintenance of the already laid services in the project which are in bad shape due to neglect. Complaint association and respondent promoter have alleged the other for deficiency in maintenance services. It is alleged by the complainant association that respondent has only handed over the soft services of the project to the registered association but no documentary evidence has been highlighted to corroborate the same. Counter arguments of the both parties without any substantive document fail to provide a way forward to resolve the association-promoter conflict which has arisen at the site of the project.

4. Considering the extensive and exhaustive nature of the grievances involved in captioned complaints, it is important that all parties involved adopt a constructive approach or redressal mechanism to be able to arrive at a solution. Therefore, Authority directs all parties concerned to hold a comprehensive meeting to chalk out a plan to resolve the dispute with regard to handing over of maintenance of the



project and remaining deficiencies. Authorised representative on behalf of all the respective associations who are here before this Authority along with authorised representatives of the promoter will conduct this meeting. Representatives of each association will present a point wise report in regard to the issues which have been filed before this Authority and discuss it with the representative of the promoter. A report will be filed with the Authority wherein each issue/grievance of respective association is presented in a tabular form along with the progress achieved in redressal of that grievance. This report will be signed and verified by both parties along with remarks, if any. On the next date Authority will review each of the grievances enlisted in the report in detail and the solution which has been arrived at site. In case a dispute remains pending that should be highlighted in a separate colour along with the point of contentions explicitly mentioned in a separate column. This report will also include a component wise detail in respect of the services which are to be handed over to the association as per the terms of agreement and whether they have been handed over and if not, then why?. Before this meeting respondent promoter shall provide a copy of latest sanctioned plan of the project to the associations along with inventory of assets. Respondent shall also fix a date for the meeting which is suitable to all parties and inform them



of the same. All parties shall facilitate the meeting and attempt to resolve remaining disputes. Report should be filed at least 2 weeks before next date of hearing.

5. Cases are adjourned to 27.07.2023.

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DR. GEETA RATHEE SINGH
[MEMBER]

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NADIM AKHTAR
[MEMBER]