



Complaint No. 2676 of 2019

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

...COMPLAINANT

Residents Welfare Association

TDI CITY Kundli

VERSUS

M/S TDI Infrastructure Ltd.

....RESPONDENT

CORAM: **Rajan Gupta**
Anil Kumar Panwar
Dilbag Singh Sihag

Chairman
Member
Member

Date of Hearing: 14.10.2020

Hearing: 3rd

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

Mr. Shobit Phutela, Counsel for the respondent through VC.



ORDER (DILBAG SINGH SIHAG-MEMBER)

1. Present complaints are filed by the Resident Welfare Associations of Tuscan City Floors LX to CL, W Block TDI City Kundli, Terrace Garden Kingsbury apartments and Kingsbury Tower B & D. Learned counsel for the complainant stated that all these towers are part of TDI CITY, Kundli, Sonipat and their grievances are also similar. Allottees in all the captioned complaints were given possession of their units. However, several deficiencies existed at the site in the project as well as in their units therefore, through the present complaints, they have raised their grievances regarding several deficiencies existing in the flats like low quality of workmanship; cracking of plaster ; and common area like increase in super area of units upto 22%; wrong charging of plumbing shaft; levy of club membership charges; bad condition of roads; leakage of overhead tanks; non-installation of sewerage treatment plant; no provision of proper water system; overcharging of the electricity from the residents; Single gate for entry and exit; non - maintenance of lifts, street lights, fire safety, green area; no power back up; lack of maintenance staff etc. and non-execution of conveyance deed in their favour.

Learned counsel for the respondent had stated that the conveyance deed could not be executed because occupation certificate has not been

granted by the concerned department meaning thereby, there are certain incomplete components of the project, however, the same were not disclosed by the respondent promoter.

2. On the last date of hearing, Authority had directed the respondent to hold a meeting with the complainant allottees for removal of all the deficiencies and file the minutes of meeting; a time bound action plan to remove the same; information regarding grant of Occupation certificate and the correspondence with the Department Of Town & Country Planning regarding the grant of occupation certificate and objections to report of local commissioner in Complaint no.2676-2019 with advance copy to the complainant.

3. Today, learned counsel for the complainants stated that only a single meeting was held by the respondent wherein no concrete solution to their problems was provided by the respondent. The complainants further stated that representatives of the respondent present in the meeting stated that they would firstly address the issue of seepage of waste water in the basement and tried to evade from other issues. However, no concrete step has been taken by respondent promoter even with regard to seepage of waste water in the basement , what to talk of rest of the grievances.

4. Learned counsel for the respondent stated that they have filed the minutes of the meetings as well as the correspondence done with the

Department Of Town & Country Planning regarding the grant of occupation certificate yesterday. He sought an adjournment to file their objections to the report of local commissioner.

5. Authority has already observed vide its last order dated 21.08.2020 that prima facie the deficiencies pointed out by the complainants seem genuine, which are further supported by the report of local commissioner. The very basic fact that the respondent has handed over possession of the units to the allottees in these towers without Occupation Certificate implies that the towers are not yet fit for habitation. In such circumstance, existence of deficiencies cannot be ruled out and denied by the respondent. Therefore, respondent is directed to deposit the fee of Local Commissioner amounting to Rs. 41,300/- in compliance of order dated 12.02.2020 with the Authority to be remitted to the local commissioner before the next date of hearing.

Further, he shall hold a meeting with the complainant allottees with regard to removal of deficiencies within fifteen days and start steps to remove them before the next date of hearing. However, respondent promoter is further directed to file the minutes of meeting and a time bound action plan to remove the same with advance copy to the complainants. In case, no concrete action is taken by the respondent to remove the deficiencies, Authority will be constrained to order respective associations to quantify the cost of removal of

deficiencies and get them removed on their own and entire cost so incurred shall be borne by the respondent.

6. Case is adjourned to 29.10.2020.



RAJAN GUPTA
[CHAIRMAN]



ANIL KUMAR PANWAR
[MEMBER]



DILBAG SINGH SIHAG
[MEMBER]