



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

CORAM: Rajan Gupta

Chairman

Anil Kumar Panwar

Member

Date of Hearing: 29.10.2020

Hearing: 4th

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

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

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



ORDER (ANIL KUMAR PANWAR-MEMBER)

1. Four associations comprising of allottees of different buildings of the respondent's project named TDI City Kundli have filed the above titled complaints and since the grievance agitated in all these complaints are similar in nature and even the likely relief to be granted will also be same, the Authority has decided to take up all these cases together.

2. The grievances being espoused by these Associations are in respect of structural defects occurring in the buildings/apartments and about the deficiencies occurring in providing of maintenance services in the colony developed by the respondent.

3. The Authority in order to ascertain the extent of structural defects and deficiencies had appointed a Local Commissioner and his report highlighted many serious deficiencies occurring in the building and apartments allotted to the members of the complainant-associations. So, the Authority vide its earlier order had directed the respondent to convene a meeting of its allottees in order to ensure them that all necessary rectification and repair works would be carried out. The respondent was further directed to submit a time bound action plan for removing deficiencies and defects but it has not complied with the directions of the Authority till date.

4. Learned counsel for the respondent has submitted that a meeting had been held with the allottees but the Authority is of the considered opinion that such meeting was just a perfunctory exercise performed for avoiding some kind of penal action by this Authority due to non-compliance of its directions inasmuch as no responsible and senior officer of the company was present in the meeting and rather a junior rank official was deputed for conducting the meeting. As regards non-compliance of the directions issued for rectification of the deficiencies and carrying out of repair works, the respondent's learned counsel has submitted that the repair and rectification works could not be carried out because report of local commissioner was not sent to the company.

5. Needless to mention that the respondent on its part was expected to itself inspect the buildings in order to ascertain the extent of deficiencies and defects occurring therein but no such exercise was attempted for the reasons best known to the respondent and the Authority has, therefore, no hesitation to conclude that the respondent was not serious about its duties and responsibilities towards allottees as envisaged in section 14(5) of the Act for removing and repairing all structural defects brought to its notice within a period of five years after handing over of possession.

6. That apart, the concerned Law Associate has apprised the Authority that the copy of Local Commissioner's report was sent about a week



ago and it by now must have reached the respondent. Be that as it may, the respondent, in case it has not received the same, is directed to collect its copy from the office of the Authority. So, no excuse about non-compliance of the directions of this Authority will be entertained on the next date of hearing on the ground of non-supply of the Local Commissioner's report.

7. The respondent is again directed to hold a meeting of the allottees which shall be conducted by some senior responsible officer of the company. Such Officer shall apprise the allottees about the manner in which the company proposes to carry out the rectification and repair works. The minutes of the meeting and a time bound action plan disclosing therein the mannerism in which the complainants grievances will be addressed, shall be submitted to the Authority and it's copy be also sent to each of the Association.

8. It is worth-while to mention at this stage that Ms. Kanika Agnihotri Advocate, claiming herself to be a counsel for M/s Cannes Management Property Pvt. Ltd. has submitted that her client has entered into a tripartite agreement with the complainants for providing maintenance services and therefore, her client shall be allowed to impleaded as Respondent No. 2 in these cases and an opportunity be provided to her for filing the written statement. The Authority has been however informed that Ms. Cannes Management Property Pvt. Ltd. has just sent an application on the e-mail address of the Authority for impleadment as respondent. Any person



intending to seek some relief or indulgence by this Authority in a pending matter is supposed to file an application as per the procedure laid down in the regulations framed by this Authority and it is not enough on the part of such person to send some request at the e-mail address of the Authority for obtaining relief in a pending matter. So, M/s Cannes Management Property Pvt. Ltd. is advised to approach the Authority in the prescribed manner. The Authority will then only examine the scope of allowing or declining the relief being sought by Ms. Kanika Agnihogri.

9. The respondent company shall issue at least 10 days' notice to the complainants for holding a meeting and the minutes of the meeting along with action plan chalked out in the said meeting for redressal to the complainants' grievances shall be filed and its copies shall also be supplied to the complainants at least five days prior to the next date of hearing.

10. The Authority in its order dated 12.02.2020 has observed that the expenses of the Local Commissioner shall be initially borne by the respondent company and in case no deficiency or defects is reported by the Local Commissioner, then the same shall be borne by the complainant associations. Since the Local Commissioner in his report has indicated serious deficiencies in the buildings and units allotted to the members of the complainant associations, the expenses of Local Commissioner are now payable by the respondent company. The Local Commissioner has sent a bill for claiming fee



and expenses of Rs. 41,300/-, the respondent company is directed to deposit the said expenses before the next date of hearing.

11. Case is adjourned to 09.12.2020.



RAJAN GUPTA
[CHAIRMAN]



ANIL KUMAR PANWAR
[MEMBER]