



## **HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA**

Website: [www.haryanarera.gov.in](http://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



**CORAM:**                      **Dr. Geeta Rathee Singh**                      **Member**

**Nadim Akhtar**                      **Member**

**Date of Hearing:**    18.10.2022

**Hearing:**                      18<sup>th</sup> in Complaint No. 2676 of 2019.

                                         20<sup>th</sup> in Complaint No. 2627 & 2629 of 2019.

                                         15<sup>th</sup> in Complaint No. 637 of 2020.

                                         8<sup>th</sup> 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 the respondent.  
                                         ( in all the complaints)

**ORDER ( NADIM AKHTAR- MEMBER)**

1.            Captioned complaint cases are listed to evaluate status of removal of deficiencies in the project being developed by the respondent promoter TDI Infrastructure ltd. These cases had come up before Authority on 21.09.2022, whereby after hearing all parties, Authority had passed a detailed order which is reproduced below for reference:



*“ 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 ret'd. engineer as Local Commissioner to evaluate the existing condition of the project.*

7. Cases are adjourned to  
11.10.2022."

2. Vide order dated 21.09.2022, Authority had directed the respondent to hold a meeting with complainant allottees to evaluate status of

deficiencies remaining in the project and to check progress of repair works.

Learned counsel for the complainant apprised the Authority that the repair works being carried out in the project are not being done expeditiously due to which some works are still pending. He further apprised that respondent was also directed to handover all documents pertaining to the project in original to the complainant association but the same have not been provided.

3. Shri Shubhnit Hans, learned counsel for the respondent submitted that repair work for removal of deficiencies is being carried out at the project and majority of the deficiencies have been removed. In compliance with the directions of this Authority, a meeting was held by respondent with the complainant associations to evaluate deficiencies remaining in the project and to prepare a schedule to remove the same. Learned counsel for respondent sought time to file minutes of meeting along with status report reflecting the work done, estimated cost incurred on the same and a schedule for completion of remaining deficiencies. He submitted that all the documents pertaining to the project have already been supplied to the complainant association and are also a part of public record.

Learned counsel for respondent also submitted that complainants in Complaint no. 2676 of 2019 is pursuing parallel remedy before Hon'ble National Consumer Dispute Redressal Commission seeking similar relief. However, complainant cannot pursue litigation for the same relief before two

different forums and hence should withdraw from one. Learned counsel for the complainant sought time to seek information from his clients in regard to pendency of suit before Hon'ble NCDRC.

4. Accepting the request of learned counsel for the respondent, respondent is granted time to file minutes of meeting held on 01.10.2022 along with all other documents/ information sought vide order dated 21.09.2022 before the Authority. Meanwhile, the respondent is also directed to expedite the repair works being carried out at site for removal of deficiencies as per the satisfaction of the complainants.

5. Adjourned to 21.12.2022.

  
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**Dr. GEETA RATHEE SINGH**  
[MEMBER]

  
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**NADIM AKHTAR**  
[MEMBER]