



Complaint No. 2627 of 2019

HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 2627 OF 2019

RWA W Block TDI City Kundli

....COMPLAINANT/S

VERSUS

M/s TDI Infrastructure Ltd.

....RESPONDENT/S

CORAM: Rajan Gupta
Anil Kumar Panwar
Dilbag Singh Sihag

Chairman
Member
Member

Date of Hearing: 21.08.2020

Hearing: 4th

Present: - Mr. Deepak Dhaiya, Counsel for complainant.

None for respondent.

ORDER (RAJAN GUPTA-CHAIRMAN)

1. The present complaint is filed by the Resident Welfare Association (RWA) of allottees who had purchased flats in a project developed by respondent company.
2. Learned counsel for the complainant has stated today that the respondent handed over possession to the complainant allottees in the year 2013. He stated that several deficiencies are existing in their units as well as in the common areas of the project, which despite of repeated requests made to the respondent have not yet been removed. Another grievance raised by the complainant is that the respondent has refused to execute the conveyance deed in favour of the allottees who have not deposited amount on account of VAT.
3. Learned counsel for the complainant further stated that allottees through Sh. Manu Tondon had filed complaint on 05.09.2017 before the District Town Planner, Sonipat informing the risk posed to life and property of residents of TDI, Kingsbury, Block-W due threat of collapse of building. DTP, Sonipat vide letter dated 28.09.2017 referred the complaint to the Director, Town & Country Planning for necessary action for resolution of the grievances and to take appropriate action against the respondent.

Another similar complaint regarding leakage of sewer water in the walls of building, basement and electric-substation was filed on 05.07.2019. DTP, Sonipat took cognizance of the matter himself. A site visit



conducted by his filed staff confirmed the existence of the said seepage. DTP, Sonipat vide letter dated 09.07.2019 directed respondent to take necessary remedial action immediately. Respondent has failed to remove the deficiencies till date.

Further action in this regard was taken by the DTP, Sonipat. He placed the matter in the meeting before Allottees Grievances Redressal Forum Committee held under chairmanship of Sh. Anshaj Singh, IAS, Deputy Commissioner, Sonipat on 01.08.2019. The Chairman directed the committee to visit the site within seven days and submit its report within fifteen days. Representative of the promoter who was present during the meeting undertook to remove the defects within 2 months. The Chairman further directed the promoter to furnish his progress report every fifteen days to DTP, Sonipat. DTP, Sonipat was directed to monitor the progress of the work on regular basis.

4. In light of the above information, the Authority is of prima facie opinion that the deficiencies as alleged the complainant actually exist in the units as well as in the project. The presence of deficiencies is violation of the flat buyer agreement as well as the statutory duties cast upon the respondent by virtue of section 14 of the REAL ESTATE (REGULATION AND DEVELOPMENT) ACT, 2016.



5. Today none is present on behalf of the respondent and an email has been received from the respondent's counsel requesting adjournment on account of Covid-19.

6. The Authority directs the respondent to hold a meeting with the complainant allottees within three weeks from today, with regard to removal of deficiencies and file the minutes of meeting and a time bound action plan to remove the same with an advance copy to the complainant. In case the respondent fails hold the meeting with the complainant allottees or file aforementioned information, the existence of the deficiencies will be deemed to be admitted by the respondent and he shall be held liable to rectify the deficiencies and pay penalty as per provisions of the Act. Case is adjourned to 14.10.2020.



RAJAN GUPTA
[CHAIRMAN]



ANIL KUMAR PANWAR
[MEMBER]



DILBAG SINGH SIHAG
[MEMBER]