



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

1. COMPLAINT NO. 2627 OF 2019

RWA W Block TDI City KundliCOMPLAINANT/S

VERSUS

M/s TDI Infrastructure Ltd.RESPONDENT/S

2. COMPLAINT NO. 2629 OF 2019

Terrace Garden Kingsbury ApartmentsCOMPLAINANT/S

VERSUS

M/s TDI Infrastructure Ltd.RESPONDENT/S

3. COMPLAINT NO. 637 OF 2020

Kingsbury B & D Tower ...COMPLAINANT
Residents Welfare Association TDI CITY Kundli

VERSUS

M/S TDI Infrastructure Ltd.RESPONDENT

4. COMPLAINT NO. 725 OF 2021

RWA EFGZRL SIX BLOCKS ...COMPLAINANT
KINGHSBURY TDI CITY KUNDLI

VERSUS

M/S TDI Infrastructure Ltd.RESPONDENT

5. COMPLAINT NO. 757 OF 2021

KINGSBURY HJK BLOCKS RWA ...COMPLAINANT

VERSUS

M/S TDI Infrastructure Ltd.RESPONDENT

6. COMPLAINT NO. 781 OF 2021

RWA UVY BLOCKS ...COMPLAINANT

VERSUS

M/S TDI Infrastructure Ltd.RESPONDENT

7. COMPLAINT NO. 782 OF 2021

C TOWER TDI KINGSBURY RWA ...COMPLAINANT

VERSUS

M/S TDI Infrastructure Ltd.RESPONDENT

8. COMPLAINT NO. 783 OF 2021

A TOWER TDI KINGSBURY RWA ...COMPLAINANT

VERSUS

M/S TDI Infrastructure Ltd.RESPONDENT

9. COMPLAINT NO. 1950 OF 2022

S Block Kingsbury Resident Welfare
Association RegdCOMPLAINANT

VERSUS

TDI Infrastructure Ltd.RESPONDENT



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

Date of Hearing: 27.07.2023

Hearing: 24th in Complaint No. 2627 & 2629 of 2019.
 19th in Complaint No. 637 of 2020.
 12th in Complaint No. 725, 757, 781, 782, 783 of 2021
 6th in Complaint no. 1950 of 2022

Present: - None for complainant (in all complaint no.(s) from
 S.no 1 to 8)
 Mr. Tarjit Singh Chhikara, Counsel for complainant
 (in complaint no. 1950 of 2022)
 Mr. Shubhnit Hans, Counsel for respondent in all cases..

ORDER (NADIM AKHTAR- MEMBER)

1. Captioned complaint cases have been taken up together as bunch cases as they pertain to the same project of the respondent and facts and grievances involved are also similar. Facts and circumstances related to the grievances involved have been heard at length and made part of the order during hearing dated 21.09.2022. All parties concerned had again been heard at length on 18.04.2023. After hearing all the submissions and documents placed on record, Authority observed that major point of contention between the association and respondent promoter is with regard to the maintenance of the already laid services in the project-Kingsbury (for which the occupation certificate already stands received in year 2013), which are in bad shape due to neglect. All the concerned



parties were directed to hold a meeting to devise a plan to resolve the dispute between the complainant association and the respondent builder. Relevant part of order dated 18.04.2023 is reproduced below for reference:

“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. Cases are adjourned to 27.07.2023."

2. It is pertinent to mention that no report in compliance of order dated 18.04.2023 has been placed on record. Mr. Deepak Dahiya, learned counsel for the complainants in Complaint no. 1 to 8 has sought adjournment vide email dated 26.07.2023 stating that he is unable to attend the proceedings as he is suffering from conjunctivitis.
3. Mr. Taranjit Singh Chikara, learned counsel for complainant association (in Complaint no. 1950 of 2022) submitted that vide order dated 18.04.2023, Authority had issued directions to the respondent to conduct a meeting of all the complainant associations which form a part of the project in question, i.e, Kingsbury. However, the respondent failed to conduct the meeting of the complainant association. Mr. Chikara further



apprised the Authority that the project in question consists of about 2900 units which have been bifurcated by the respondent into specific blocks on the basis of the area and services. Accordingly, respective blocks have formed their respective welfare association and have been operating at the site of the project. Complaint no. 1950 of 2022 pertains to the S-block Welfare Association which is a registered welfare association under Haryana Registration and Regulation of Societies Act, 2012. Learned counsel further apprised the Authority in depth with regard to the issues specifically affecting the S-block of the project and the plight of the project in general. Contentions of learned counsel of the complainant association have been meticulously heard.

4. In rebuttal, Mr. Shubhnit Hans, learned counsel of the respondent submitted that respondent had made an attempt to conduct the meeting of all the associations. However, the same was disrupted as the representatives of the respective associations failed to come to a mutual agreement to resolve the deficiencies at the site.
5. In view of the above submissions and acknowledging the grievances of the complainant associations, it is observed that vide order dated 18.04.2023, Authority had patiently heard all parties at length and thereafter provided a constructive approach to resolve various issues regarding lack of basic infrastructural and structural deficiencies at the



site of the project. Respondent was directed to conduct a meeting of all the parties and the respective complainant association were directed to adopt a constructive approach to be able to arrive at a solution. However, it has been brought to the notice of the Authority that a proper meeting has not been conducted by the respondent in contravention of the orders of the Authority and further the opposite parties, i.e, the complainant associations have also failed to provide a constructive ambience to be able to resolve the disputes. Such non compliance and misdemeanour is unbecoming on part of concerned parties especially when the Authority itself is taking considerate efforts to peacefully resolve the issues between the respondent builder and complainant association. Mere lengthy arguments and filing of documents before the Authority will not bring any positive result if the concerned parties are not willing to resolve the matter at site. There are 9 complainant-associations which are operating at the site of the project and are present before this Authority through captioned complaints. It becomes difficult to distinguish between the individual relief sought by these associations and the relief which overlap with the other and the project as a whole. This poses a big problem for the Authority to be able to clearly elucidate the deficiencies in the project and its proposed solution. Much of the time has been wasted because the parties have failed to meet the mind of the other and operate on a



common reference point. It is an admitted fact that there exist several deficiencies at the site of the project which need proper redressal but the same is not possible if the respondent builder and complainant association fail to show a sincere effort to adopt a redressal mechanism.

6. Therefore, Authority reiterates its directions given vide the order dated 18.4.2023. Respondent is directed to conduct a meeting with the aggrieved complainant association in order to resolve their grievances. All parties should responsibly work towards a mechanism for speedy solution of the issues/grievances present in project. Complainants are directed to prepare an agenda for the meeting detailing each issue involved in their respective blocks in a tabular form. Said agenda be supplied to ld. counsel for respondent as well as to this Authority by 10.08.2023. Meeting shall take place on 19.08.2023 at 11:00 AM at the site office of respondent which will be attended by the director of the respondent company and one representative of each association only so that effective decisions can be taken at the time of meeting. Ld. counsel for respondent is directed to circulate said agenda to all the requisite staff of respondent company for proper and effective meeting. Before this meeting respondent promoter shall provide a copy of latest sanctioned plan of the project to the associations along with inventory of assets.



Complainants are advised to co-operate with the respondent towards a workable solution for redressal of their grievances.

7. 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?. Respondent is directed to file minutes of meeting in the registry atleast one week prior to next date of hearing.

8. Cases are adjourned to 11.10.2023.


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DR. GEETA RATHEE SINGH
[MEMBER]


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NADIM AKHTAR
[MEMBER]