



Complaint No. 2629 of 2019

HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 2629 OF 2019

Terrace Garden Kingsbury Apartments

....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 2016. He stated that several deficiencies are existing in their units as well as in the common areas of the project, which despite 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. Complainant's counsel has raised an additional grievance today that two revenue roads connecting a nearby village are passing through the project which poses great security risk to the residents. Despite repeated requests, the respondent has failed to find a solution to the same. Since there is no averment or prayer regarding this additional grievance in the complaint, the complainant may file an application seeking redressal of his additional grievance and supply its advance copy to the respondent.
3. Learned counsel for the complainant further stated that some of the allottees registered a complaint no. Off/N/2017/04/2169 dated 30.04.2017 with Chief Minister Grievance Cell, Haryana regarding existence of various



deficiencies in the flats and common areas and requested the authorities to take steps for resolution of their grievances and to take appropriate action against the respondent. Complainant allottees had also informed the Deputy Commissioner, Sonipat regarding the deficiencies existing in their units as well as in the project.

4. In light of the above, 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. These deficiencies will be deemed as 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.

In case, the respondent disputes the existence of deficiencies, he may file evidence by way of photographs/ documents corroborating the same. Complainant is also at liberty to file his evidence by way of photographs/ documents to strengthen his case.

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 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]