



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 2650 OF 2019

Sunshine County Resident Welfare AssociationCOMPLAINANT

Versus

M/s Ansal Properties and Infrastructure Ltd. RESPONDENT

**CORAM: Rajan Gupta
Dilbag Singh Sihag**

**Chairman
Member**

Date of Hearing: 01.04.2022

Hearing: 15th

Present through video call: - Mr. Venkat Rao, Learned counsel for the complainant

Sh. Ajay Ghangas, Learned counsel for the respondent

ORDER (DILBAG SINGH SIHAG -MEMBER)

1. Sh. Sunil Kapoor, Learned counsel for the respondent filed an application dated 30.03.2022 in the registry of the Authority, whereby he withdrew his Vakalatnama. Today, Sh Ajay Ghangas, filed his Vakalatnama and appeared for the respondent and sought adjournment on the ground that he was engaged yesterday only.
2. As per last order dated 07.12.2021, Tentative view was expressed by the Authority. Relevant portion of the said order is reproduced below:

7. " The Authority has perused the documents placed on record as well as various orders passed in the past, some of which have been reproduced above.

8. It can be summarized that on one occasion, the Authority had expressed its views that the respondents should maintain the project properly and then handover the same to the allottees. Another time it has been noted that Residents Welfare Association (RWA) of the project has already taken over the project for maintenance. The fact of EDC works having not been done by the State Government Agency despite lapse of 10 years period has also been recorded. The principle grievance of complainant at this stage is handing over of IFMS/replacement funds

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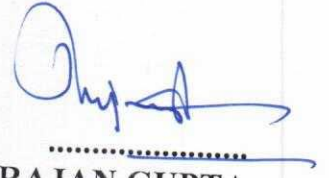
amounting to Rs.3,45,42,956/- and maintenance charges amounting to Rs. 3,28,97,000/- to the association to enable them to maintain the project at their own level.

9. The Authority observes that there are some contradictions in the observations made by the Authority on various dates. It takes note of the fact that the project was completed more than 10 years ago and the occupation certificate of the same had also been obtained at that time. Obviously, the infrastructure would get worn out during this period. Maintenance charges, IFMS/Replacement funds have been collected to repair such worn out facilities. If the aforesaid funds are placed at the disposal of RAW, they may carry out the requisite repairing and maintenance works at their own level.

10. Keeping in view above observations, the Authority is of the tentative view that now this matter deserves to be disposed of by giving directions to respondents company to handover the IFMS/Replacement funds and the money collected on account of maintenance of the project to RAW. Thereafter, RWA will become fully incharge of the project and they may deal with maintenance issues as they deem appropriate. Both parties will be hard before finalizing this order on these lines.”



3. On the request of learned counsel for respondent, Case is adjourned to **04.05.2022** while granting last opportunity to respondent to argue his case on merits failing which tentative view expressed above will be finalized on the next date of hearing. No further opportunity will be granted.



RAJAN GUPTA
[CHAIRMAN]



DILBAG SINGH SIHAG
[MEMBER]