



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:

**Anil Kumar Panwar
Dilbag Singh Sihag**

**Member
Member**

Date of Hearing: 09.02.2021

Hearing: 8th

**Present: - Sh. Venkat Rao, Ld. counsel for the complainant
Adv. Sunil Kapoor, Ld. counsel for the respondents**

(Handwritten signature)

ORDER (DILBAG SINGH SIHAG-MEMBER)

1. While perusing record of this case, it is observed that certain directions were given to the complainant vide order dated 23.12.2020, the relevant portion of the same is reproduced for the ready references:

“Authority directs the complainant-association to go through the following steps and submit documentary evidence that they are now a registered Association and can take over the project in interest of the allottees.

I. All the members shall form an association at the earliest and get themselves registered as per the Statue.

II. when an association is so formed, they may open a bank account to be operated by at least three joint signatories to be nominated by the association. Association shall then engage a technical team preferably comprised of an Engineer, an Architect and a Chartered Accountant to prepare detailed status regarding deficiencies in Infrastructure services, repair works of all towers of the project and tentative estimate for repairing of all the deficiencies.

III. All members will pay their respective charges of maintenance as well as IFMS to the association. Further, members of Association will submit affidavits accordingly.

IV. As per their assessment, total amount of IFMS collected by the respondent/promoter till date and whether any money given to Association by promoter/ respondent.

Complainant- Association shall take further action on these directions and submit their report to the Authority on the next date of hearing.”

Today, learned counsel for the complainant pleaded that they had passed General body resolution for taking over of the project. As per their estimate, an amount of approx. ₹ 2 crores 14 lakhs is required to complete the pending works of the project whereas an amount of ₹ 3.45 crore is lying with the respondent company against account of IFMS collected from all the allottees of the project.

2. On the other hand, respondent counsel submitted that they had complied with directions given vide order dated 23.12.2020. He stated that he had submitted all the documents via email dated 08.02.2021 to the Authority. Further he seeks some time to settle the matter with the association as settlement talks are going on between the parties. He also stated that he had paid imposed cost of ₹ 25,000/- vide order dated 23.12.2020 to the Authority on 08.02.2021.
3. After hearing both the parties, Authority is of the considered view that respondent/ promoter has not complied with the directions given by this Authority well in time. Therefore, he has been given last opportunity to prepare an action plan for repairing all pending works in the project and same is to be submitted at least fifteen days before next date of hearing and supply advance copy of the same to the complainant failing which Authority will hand over the charge of project in all respects to the RWA.

[Handwritten signature]

Further Authority directs the respondent to open separate Escrow Account where in amount of ₹ 3.45 crores collected from all the allotted on account of IFMS will be deposited well before next date of hearing.

4. Case is adjourned to **16.03.2021** with above directions.



ANIL KUMAR PANWAR
[MEMBER]



DILBAG SINGH SIHAG
[MEMBER]

