



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** **Member**
 Dilbag Singh Sihag **Member**

Date of Hearing: 14.10.2020

Hearing: 5th

Present: - Sh. Venkat Rao, Counsel for complainant
 Adv. Sunil Kapoor, Counsel for respondents

ORDER (DILBAG SINGH SIHAG- MEMBER)

1. Respondent counsel No. 2 filed reply in the registry on 07.10.2020 and copy of the same is supplied to the complainant.
2. Complainant submitted that the project suffers from various deficiencies which were also recorded in the last order dated 21.08.2020 passed by the Authority and same is reproduced for ready reference:

1. "Present complaint involves three major grievances as follows: -

- (i) Complainant-association alleges that the promoter has failed to maintain the colony. Precise allegation is that lifts are in poor condition, STP is situated at the entrance of colony and the foul smell emanating from it causes inconvenience to the residents,

roads are in dilapidated condition, plaster of the walls is coming off.

- (ii) Despite several requests, promoter has failed to handover the complete charge of maintenance of colony to Resident Welfare Association.
- (iii) Promoter has not refunded the amount collected in lieu of maintenance and service charge in shape of security deposit to Resident Welfare Association along with interest."

Further learned counsel of the complainant's stated that due to non-payment of various bills regarding essential services such as supply of water, electricity maintenance accounts of the respondent company are freezed by the GST counsel. Therefore, complainant requested the Authority to allow them to collect money from the allottees for maintaining essential services in the project. Further, complainant counsel requested for appointment of Local Commissioner to evaluate the deficiencies in the project, if any and submit his comprehensive report on various deficiencies before next date of hearing.

2. After hearing both the parties, Authority observes that since the complainants may be deprived of basic amenities like supply of water, electricity due to non-payment of various bills by the respondent, complainant association is allowed to pay the pending bills for the essential services and submit receipts of those bills accordingly in the court on next date of hearing. Further, Authority in order to facilitate an effective and expeditious disposal of the case decides to appoint its Chief Town Planner, Shri Arvind Mehtani, as Local Commissioner. He shall visit the site after notice to the parties in next fifteen days about the date of his visit so that the allottees and the respondent join him in the process of carrying out spot inspection. Learned

CTP shall submit a comprehensive report to the Authority on above mentioned deficiencies in para 2 of this order.

3. In case, no deficiency or material damage is found by the Local Commissioner on the spot, his expenses shall be payable by the complainant Association but if the complainant's version on this point is found correct, then respondent shall be liable to bear the expenses of the Local Commissioner. Amount of such expenditure of site inspection by the Local Commissioner shall be paid by either of contesting parties on the next date of hearing. Local Commissioner shall submit his report well before the next date of hearing.

10. Case is adjourned to 24.11.2020 for Local Commissioner Report.



ANIL KUMAR PANWAR
[MEMBER]



DILBAG SINGH SIHAG
[MEMBER]