



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**
Anil Kumar Panwar
Dilbag Singh Sihag

Chairman
Member
Member

Date of Hearing: 21.08.2020

Hearing: 4th

Present: - Sh. Venkat Rao, Counsel for the complainant
None for respondent

ORDER (RAJAN GUPTA- CHAIRMAN)

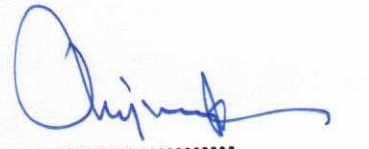
1. Present complaint involves three major grievances as follows:-
 - (i) Complainant-association alleges that the promoter has failed to maintain the colony. Precise allegation is that lifts are in poor condition, STP is situated at the entrance of colony and the foul smell emanating from it causes inconvenience 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.

2. The respondent's case is that the project has already received Occupation Certificate of 12 towers on 31.01.11 and remaining 5 towers on 31.08.12. The colony is properly maintained and all the allegations made by complainant regarding non-maintenance of colony are denied since the lifts and roads are in proper condition as also there are no infrastructural problems in the colony. As far as handing over of maintenance of colony to RWA is concerned, the same is underway. RWA was informed about the necessary documents required to be submitted to the promoter for effecting transfer of maintenance but same is pending on the part of complainant.

3. The Authority, after going through the submissions of the parties, prima facie, observes that the maintenance of the colony deserves to be handed over to RWA. The promoter has to expedite the process of handing over so that the colony can be properly maintained. The amount of IFMS collected by the promoter for maintenance of the colony is also liable to be disbursed to the complainant-association. The Authority before taking its final decision regarding the same decides to hear the respondent-promoter, therefore, an opportunity is granted to him to present his case on the next date of hearing.

4. Considering the Covid-19 situation, the Authority grants liberty to parties to present their case by appearing in person/through counsel or by submitting written arguments before the Authority one week prior to the next date of hearing.
5. Cases are adjourned to 14.10.2020 and in case parties fail to appear or file written arguments, the matter will be decided by the Authority on the basis of pleadings of the parties.



RAJAN GUPTA
[CHAIRMAN]



ANIL KUMAR PANWAR
[MEMBER]



DILBAG SINGH SIHAG
[MEMBER]