



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: 26.07.2022

Hearing: 17th

Present through video call: - Ms. Ramya Ronald, Learned counsel for the complainant

Sh. Ajay Ghangas, Learned counsel for the respondent

ORDER (DILBAG SINGH SIHAG- MEMBER)

1. Initiating his pleadings, learned counsel for the complainant reiterated facts which were recorded in the last order dated 04.05.2022. Relevant portion of said order is reproduced below:

“1. While initiating his arguments, learned counsel for the complainant apprised the Authority that as per last order dated 01.04.2022, Authority had expressed its tentative view that this matter deserves to be disposed of by giving directions to the respondents company to handover IFMS/Replacement funds of ₹ 3,45,42,956 and money collected on account of maintenance i.e. ₹ 3,28,97,000/- of the project to Resident Welfare Association. Thereafter, RWA will become fully incharge of the project and they may deal with maintenance issues as they deem appropriate.”

2. On the other hand, learned counsel for the respondent Sh. Ajay Ghangas, apprised the Authority that the amounts mentioned on account of IFMS/Replacement fund and Maintenance, in the previous orders requires inspectipon as there are certain dues which were also pending towards complainant Association. He also stated that project has already been handed over to the Registered Welfare Association. Now, the only issue remains in regard to handing over of amounts on account of IFMS and maintenance.

3. After hearing both parties, Authority observes that a tentative view has already been expressed by the Authority vide order dated 01.04.2022, wherein Authority deems appropriate to dispose this complaint with directions to the respondents

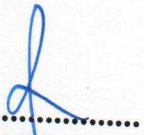
company to handover IFMS/Replacement funds of ₹ 3,45,42,956 and money collected on account of maintenance i.e. ₹ 3,28,97,000/- of the project to Resident Welfare Association. Thereafter, RWA will become fully incharge of the project and they may deal with maintenance issues as they deem appropriate. However, learned counsel for the respondent has objected with regard to Authority's view but fact remains that he has failed to show any documents supporting his contentions. Authority further observes that any amount of arrears against allottees be demanded by the promoter on account of maintenance but said arrears cannot be deducted out of amount collected as IFMS.

So, Authority grants last opportunity to respondent to prove his claims with supporting documents failing which Authority will dispose present complaint on the lines already settled by Authority in previous orders.

4. Adjourned to **12.10.2022**.

सत्यमेव जयते


RAJAN GUPTA
[CHAIRMAN]


DILBAG SINGH SIHAG
[MEMBER]