



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

1. COMPLAINT NO. 1117 OF 2020

Chander Prakash Popli

...COMPLAINANT

VERSUS

TDI Infrastructure Ltd.

....RESPONDENT

2. COMPLAINT NO. 3020 OF 2019

Manjit Singh Rana

....COMPLAINANT

VERSUS

TDI Infrastructure Ltd.

....RESPONDENT

3. COMPLAINT NO. 3021 OF 2019

Sushil Kumar

....COMPLAINANT

VERSUS

TDI Infrastructure Ltd.

....RESPONDENT

CORAM:

Dr. Geeta Rathee Singh

Member

Nadim Akhtar

Member

Date of Hearing: 09.05.2023

Hearing: 13th in Complaint No.1117-2020
15th in Complaint No. 3020-2019 & 3021-2019.

Present: -

Mr. Chander Prakash Popli, Complainant
(in complaint no. 1117-2020 of 2019)
Mr. Manjeet Singh, Complainant
(in complaint no. 3020 of 2019) through VC

Mr. Saket Kumar, Ld. Counsel for the complainants.
(in complaint no. 3021 of 2019) through Vc
Mr. Shubhnit Hans, Ld. Counsel for the respondent.
(in all the complaints.)

ORDER (DR. GEETA RATHEE SINGH- MEMBER)

1. During oral arguments addressed on 29.07.2022, concerned parties advanced their arguments regarding lack of basic infrastructural facilities like water treatment facilities, proper electricity connection, sewage treatment plant, maintenance issues etc at the site of the project namely 'Tuscan Heights' TDI City. After hearing rival contentions of all parties, Authority deemed it appropriate to appoint a Local Commissioner to evaluate existing condition of the project and to ascertain deficiencies, if any, existing therein. Accordingly, Protech Consortium, Kurukshetra was appointed Local Commissioner to visit the site of the project on 19.10.2022 at 11.00 AM and submit a report in regard to the existing basic facilities available at site of the project. Site visit of the project was conducted in the presence of a representative of respondent- TDI Infrastructure Ltd. namely Sh. Vibhu Narayan, Manager along with other staff and Sh. Manjeet Rana and Sh. Vishesh Popli, the complainants. A report of the site visit was submitted in the office on 07.11.2022.

Geeta Rathee

2. In its report, the local commissioner i.e Protech Consortium,

Kurukshetra stated the following:

- i. As per local enquiry the project 'Tuscan City- Phase - 1 contains 11 high rise towers and 32 blocks of limited height floors. As per local enquiry the Tuscan City, Phase-I contained 11 high rise towers and 32 blocks of limited height floors. The project is not complete yet as a tower incorporating the proposed Club house was still under construction. Infrastructure facilities in a residential complex can be enumerated as regulated gates and secure boundary wall, roads, street light, parking, green areas, club, water supply, STP, electricity, rain water disposal etc.
- ii. There were two gates for the campus which were well regulated by security guards and proper openable gates had been erected. For the second gate though the entry/ exit was regulated by guards, yet no gate doors were existing for closing.
- iii. Proper boundary wall had not been constructed by the builders.
- iv. The roads of the campus were in good condition though at a few places repairs were required. Street light poles were well

erected in the campus but residents complained of their malfunctioning during night.

- v. The main parking was in the basement of the towers having unhygienic conditions due to existence of ST in the basement itself and no demarcation or earmarking existed for the residents. In the present conditions it was not in usable condition.
- vi. A few small maintained green areas were existing in the campus. Club house was earmarked at ground floor of an under-construction tower and was not operational. Similarly swimming pool was also not in working.
- vii. Water supply system was installed in the basement where a deep tube well was erected connected to the water treatment units. Thus, treated ground water was being supplied to the occupants. STP was also situated in the basement and was in working condition. Treatment units were also working but very foul smell was emanating which filled the whole basement. The treated sewage water did not have any connected disposal so tankers were used to dispose it off somewhere in the fields or any drain. Rain/storm water was

visibly made to run through streets to backside road as no system for it was visible in the campus.

viii. There was no electricity sub-station constructed due to less load required at this stage. However, electricity from government department was being supplied to the residents through a transformer fixed on south side of the campus and distribution panels fixed in the basement. A generator, set was installed.

3. A copy of the report was supplied to all parties. During the course of hearing on 19.01.2023, learned counsel for the respondent had sought time to peruse the report and file a detailed action plan action/rectification plan for removal/rectification of deficiencies observed in the said report. Respondent has not filed any detailed action plan for removal/rectification of deficiencies.

4. Today, Mr. Shuhbhnit Hans, learned counsel for the respondent submitted that captioned complaints have been filed against respondent promoter for redressal of grievance pertaining to the issue of lack of basic infrastructural facilities available at the site of the project namely 'Tuscan City'. He apprised the Authority that various Registered welfare association of the project 'Tuscan City' are already pursuing remedy against the same grievance pertaining to the issue of lack of

Rattue

basic infrastructural facilities vide Complaint no. 2676 of 2019 and a bunch of other complaints, which are next listed for hearing on 27.07.2023. Learned counsel for the respondent submitted that since the grievances and core issue involved in present bunch of complaints emanates from the same project of the respondent namely 'Tuscan City' which are already being dealt in detail in Complaint no. 2676 of 2019 & ors, these complaints may also be listed for hearing along with those complaints on 27.07.2023 for proper adjudication.

5. However, Mr. Manjeet Singh Rana, complainant in Complaint no. 3020 of 2019 submitted that the project in captioned complaints is a different gated society than the one mentioned in Complaint no. 2676 of 2019. The project in question in captioned complaints is 'Tuscan Heights' whereas Complaint no. 2676 of 2019 & ors have been filed for deficiency pertaining to a different project of the respondent namely 'Tuscan Floors'. Therefore, he prayed that respondent may be directed to submit a separate action plan for rectification of deficiencies occurring in the project in question i.e 'Tuscan Heights'.

At this point, learned counsel for the respondent apprised the Authority that both the project namely 'Tuscan Heights' and 'Tuscan Floors' are not different projects rather they are part of one single project i.e 'Tuscan City' being developed by the respondent. Both

projects share the basic infrastructural facilities available at 'Tuscan City'. The grievances with regard to lack of basic infrastructural facilities involve the project 'Tuscan City'. Both the projects 'Tuscan Heights' & 'Tuscan Floors' form part of the same facility. Highlighting the report of the local commissioner, learned counsel for the respondent submitted that as per the inspection of local commissioner, all issues in present complaint pertain to the project 'Tuscan City' which includes 11 high rise towers and 32 blocks of limited height floors at site. Therefore, he again reiterated that present bunch of complaints be listed for hearing on 27.07.2023 along with Complaint no. 2676 of 2019 & ors to bring further clarity to the matter.

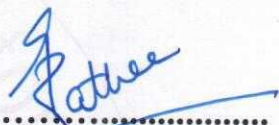
6. After hearing all submissions, Authority observes that vide order dated 29.07.2022 a local commissioner had been appointed to evaluate existing condition of the project i.e 'Tuscan Heights' and to ascertain deficiencies, if any, existing therein. As per the report of the local commissioner there are lack of basic infrastructural facilities like boundary wall, parking, club, water treatment facilities, proper electricity connection, sewage treatment plant, etc at the site of the project. However, in said report, it has been observed that these deficiencies pertain to the project namely 'Tuscan City'. It is further observed that the project in question i.e 'Tuscan Heights' forms a part

of the project 'Tuscan City' which includes 11 high rise towers and 32 limited height floors. Learned counsel for the respondent has also submitted that the projects namely 'Tuscan Heights' and 'Tuscan Floors' are part and parcel of 'Tuscan City' and that they share the basic infrastructural facilities available at site. However, complainants in present complaint have contended that 'Tuscan Heights' is a separate project.

Authority in Complaint no. 2676 of 2019 and others is already adjudicating the issue regarding lack of basic infrastructural facilities in the project 'Tuscan City'. Since it appears that 'Tuscan Heights' forms part of the same complex, it is important to hear these complaints along with other complaints to effectively adjudicate the matter. Considering the contentions of the complainant regarding status of project 'Tuscan heights', respondent is directed to submit a copy of licence pertaining to the project 'Tuscan City' granted by the concerned department clearly specifying the area belonging to 'Tuscan Floors', 'Tuscan Heights' and the common basic facilities shared by both the projects in order to bring further clarity to the matter before next date of hearing with advance copy supplied to the complainants. Respondent shall also file latest photographs of the site.

7. Respondent is again directed to submit a detailed action/rectification plan in regard to the deficiencies observed in the report of the local commissioner in compliance of order dated 19.01.2023.
8. Cases are adjourned to **27.07.2023** to be listed along with Complaint no. 2676 of 2019 and others.


.....
NADIM AKHTAR
[MEMBER]


.....
DR. GEETA RATHEE SINGH
[MEMBER]