



# 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

## 4. COMPLAINT NO. 973 OF 2021

Kuldeep Singh ....COMPLAINANT

VERSUS

TDI Infrastructure Ltd. ....RESPONDENT

## 5. COMPLAINT NO. 2676 OF 2019

Tuscan City Floors LX to CL residents  
Welfare Association ....COMPLAINANT

VERSUS

TDI Infrastructure Ltd. ....RESPONDENT

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*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*

*Heed*

*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.*

*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.*

*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 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.*

*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.*

*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.*

*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.*

*Cases are adjourned to 27.07.2023 to be listed along with Complaint no. 2676 of 2019 and others.*

2. Today, ld. counsel for complainants in complaint no. 973/2021, 1117/2020, 3020/2019 and 3021/2019 stated that the project involved in their case and the project involved in complaint no. 2676/2019 are different. Their units are situated in Tuscan City, Phase-I and complaint no. 2676/2019- pertains to Tuscan City, Phase-II. Further, they requested that respondent be directed to remove the deficiencies pointed out by local commissioner in its report within a timebound manner so that appeal bearing no. 103/2022 pending for 29.09.2023 before Hon'ble Real Estate Tribunal in complaint no. 3021/2019 can be proceeded further. In complaint no. 2676/2019, email has been received on official mail id of



office from ld. counsel Mr. Deepak Dahiya that he will be not be able to attend the hearing as he is suffering from conjunctivitis.

3. Ld. counsel for respondent submitted that Tuscan City is being developed in phases but all the phases are part of one license and share common infrastructural facilities so each phase cannot be dealt with separately.
4. After hearing submissions of both parties, Authority observes that detailed order dated 29.07.2022 with respect to finalization of order dated 07.12.2021 in complaint no. 1117/2020 , 3020/2019 and 3021/2019 towards issue of delay interest has already been passed. Relevant part is reproduced below:-

*“On perusal of record, it is observed that all captioned cases were disposed of by order dated 07.12.2021. Grievances raised by complainants in all these were two fold: first relating to issues concerning the individual units allotted to them. These issues were decided on merits vide order dated 07.12.2021. Second set of grievances of complainants was regarding lack of infrastructural facilities in ‘Tuscan City’ as a whole. Authority vide its order dated 07.12.2021 had observed that second set of issues regarding lack of infrastructural facilities were already under adjudication in complaint no. 2676/2019”.*

5. In respect of issue of lack of infrastructural facilities, Authority deems it appropriate that respondent should conduct a meeting with the aggrieved allottees and RWA (complaint no. 2676/2019) in order to sort out their grievances. All parties should responsibly work towards a mechanism of speedy solution for the issues/grievances present in project-Tuscan City. Complainants are directed to provide agenda of meeting detailing out



each issue separately in a tabular form so that all members attending meeting should know the issues for discussion beforehand. Said agenda be supplied to ld. counsel for respondent as well as to this Authority upto 10.08.2023. Meeting shall take place on 19.08.2023 at 3:00 pm at the site office of respondent which shall be attended by the complainants in person or one authorized representative only and director of respondent company so that effective decisions can be taken at the time of meeting. Ld. counsel for respondent is directed to circulate said agenda to all the requisite staff of respondent company for proper and effective meeting. Complainants are advised to co-operate with the respondent towards a workable solution for redressal of their grievances.

6. Respondent is directed to file minutes of meeting in the registry atleast one week prior to next date of hearing. Cases are adjourned to 10.10.2023.

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

  
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**NADIM AKHTAR**  
[MEMBER]