



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

1. COMPLAINT NO. 1117 OF 2020

Sh. Chander Prakash Popli

...COMPLAINANT

VERSUS

TDI Infrastructure Ltd.

....RESPONDENT

2. COMPLAINT NO. 3020 OF 2019

Manjit Singh Rana

....COMPLAINANT

VERSUS

M/s TDI Infrastructure Ltd.

....RESPONDENT

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3. COMPLAINT NO. 3021 OF 2019

Sushil Kumar

....COMPLAINANT

VERSUS

M/s TDI Infrastructure Ltd.

....RESPONDENT

CORAM: Rajan Gupta

Chairman

Dilbag Singh Sihag

Member

Date of Hearing: 29.07.2022

Hearing: 10th in Complaint No.1117-2020

12th in Complaint No. 3020-2019 & 3021-2019.

Present: - Mr. Manjeet Singh along with Mr. Chander Prakash Popli, and
Complainants through VC.

Mr. Sushil Kumar, Ld. Counsel for the complainants.

(in all the complaints.)

Mr. Shubhnit Hans, Ld. Counsel for the respondent.

(in all the complaints.)



ORDER (RAJAN GUPTA-CHAIRMAN)

1. 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 cases 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 of 2019 filed by Resident Welfare Association of 'Tuscan City'. All issues regarding lack of infrastructural facilities were disposed of vide order dated 07.12.2021 with observation that complainants may join aforesaid complainant Association for redressal of their issues relating to infrastructural facilities.

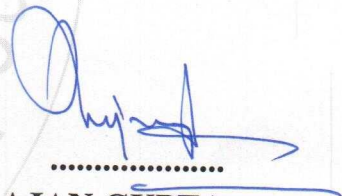
2. In furtherance of order dated 07.12.2021, complainants filed application dated 06.01.2022 seeking permission to join Complaint No. 2676 of 2019. Complainants vide said application brought to the notice of Authority that their units are situated in Phase -I of "Tuscan City" and their RWA of Phase-I has not filed any complaint before Authority.

3. After hearing plea of the applicants and perusal of aforesaid application, Authority vide order dated 27.04.2022 in Complaint No. 2676 of 2019 observed that since units of applicants/complainants are situated in Phase-I of "Tuscan City" and which has different Registered Welfare Associations (RWA), therefore, complainants cannot be allowed to join Complaint No. 2676 of 2019. In view of these facts, Authority directed office to reopen and relist Complaint no.s 3020-2019, 3021-2019 & 1117-2019, only to address grievances of complainants regarding lack of infrastructural facilities in their part of the project.
4. Now, aforesaid complaints are pending before Authority for adjudication of grievances of complainants regarding lack of basic infrastructural facilities only in their part of the project.
5. After hearing arguments of both parties and perusal of record as well as written submissions of complainants, Authority observes that allegations made by complainants regarding lack of basic infrastructural facilities like water treatment facilities, proper electricity connection, sewage treatment plant, maintenance issues etc. need to be ascertained through a Local Commissioner. Therefore, Authority deems it appropriate to appoint a Local Commissioner to evaluate existing condition of the project and to ascertain deficiencies if any existing therein. Local Commissioner shall inspect the site in question in the presence of the all the parties and inform both parties in

advance of the date on which they would inspect the site. Parties are directed to be present at the site on the date of inspection.

Authority, however, observes that prima facie allegations of complainants regarding lack of basic infrastructure at site appears to be true on account of the fact that respondent has handed over possession of units to complainants without obtaining Occupation Certificate. Even, no proof has been placed on record by respondent that basic facilities have been installed at site as per approved plans. Therefore, expenses of Local Commissioner shall be borne by the respondent company. Local Commissioner shall file his report before next date of hearing with an advance copies to the parties.

6. Case is adjourned to 15.11.2022.


RAJAN GUPTA
[CHAIRMAN]


DILBAG SINGH SIHAG
[MEMBER]