



Complaint No. 3134, 2617, 2694, 3062,  
2236, 614 of 2019, 71, 506 of 2020

## **HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA**

Website: [www.haryanarera.gov.in](http://www.haryanarera.gov.in)

### **1. COMPLAINT NO. 3134 OF 2019**

Gloria Welfare Association Sec 80  
Faridabad

...COMPLAINANT

VERSUS

Dhingra Jardine Infrastructure Pvt. Ltd.

....RESPONDENT

### **2. COMPLAINT NO. 2617 OF 2019**

Flat Buyers Welfare Association Gemini Grove Duplex ...COMPLAINANT  
REGD Sector Eighty Faridabad

VERSUS

Dhingra Jardine Infrastructure Pvt. Ltd.

....RESPONDENT

### **3. COMPLAINT NO. 2694 OF 2019**

Dhingra Jardine Suburban Resident Welfare  
Association Sector Eighty Faridabad

.....COMPLAINANT

VERSUS

Dhingra Jardine Infrastructure Pvt. Ltd.

....RESPONDENT

**4. COMPLAINT NO. 3062 OF 2019**

Flat Buyers Welfare Association Blue Solitaire ...COMPLAINANT  
Tower-C

VERSUS

Dhingra Jardine Infrastructure Pvt. Ltd. ....RESPONDENT  
& Sanjeev Dhingra

**5. COMPLAINT NO. 2236 OF 2019**

Vinay Panwar ....COMPLAINANT

VERSUS

Dhingra Jardine Infrastructure Pvt. Ltd. ....RESPONDENT

**6. COMPLAINT NO. 71 OF 2020**

Tower E California Country Buyers Association ....COMPLAINANT/S  
Sector 80, Faridabad

VERSUS

Dhingra Jardine Infrastructure Pvt. Ltd. ....RESPONDENT

**7. COMPLAINT NO. 506 OF 2020**

Tower D California Country Buyers Association ....COMPLAINANT/S  
Sector 80, Faridabad

VERSUS

Dhingra Jardine Infrastructure Pvt. Ltd. ....RESPONDENT

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**8. COMPLAINT NO. 614 OF 2019**

Leela Kanoi and Parmeswar L Kanoi

....COMPLAINANT/S

VERSUS

Dhingra Jardine Infrastructure Pvt. Ltd.

....RESPONDENT

**CORAM: Anil Kumar Panwar**

**Member**

**Dilbag Singh Sihag**

**Member**

**Date of Hearing:** 09.02.2021

**Hearing: :** 5<sup>th</sup> in COMPLAINT NO. 506 OF 2020

6<sup>th</sup> in COMPLAINT NO. 71 OF 2020

6<sup>th</sup> in COMPLAINT NO. 3134 OF 2019

7<sup>th</sup> in COMPLAINT NO. 3062 OF 2019

8<sup>th</sup> in COMPLAINT NO. 2694 OF 2019

8<sup>th</sup> in COMPLAINT NO. 2617 OF 2019

9<sup>th</sup> in COMPLAINT NO. 2236 OF 2019

9<sup>th</sup> in COMPLAINT NO. 614 OF 2019

**Present: -** None for Complainant Association.

(in Complaint No. 71 of 2020)

Mr. Rakesh Hooda, Ld. Counsel for the Complainant through

VC. (in Complaint No. 506 of 2020).



None for the complainant in Complaint No. 2236 & 614 of 2019

Mr. Rajan Kumar Hans, Ld. Counsel for the Complainant through VC (in Complaint No. 2694 of 2019)

Mr. Shobit Phutela, Ld. Counsel for the Complainants through VC, Vinod Kumar Malik (General Secretary) through VC, Mr. Umesh Kumar in person ( for Association of Tower C),

Mr. Mukesh Khanduja (General Secretary of Association of Gemini Grove) & Anant Jain (Treasurer) (in Complaint No. 2617 of 2019 & 3062 of 2019)

None for the Complainant Association. (in Complaint No. 3134 of 2019)

Mr. Vivek sethi, Ld. Counsel for Mr. Sanjeev Dhingra, shareholder of Dhingra Jardine Infrastructure Pvt. Ltd. in person.

Mr. Venkat Rao, Ld. Counsel for Mr. Sanjeev Dhingra, shareholder of Dhingra Jardine Infrastructure Pvt. Ltd. through VC.

Mr. Sanjeev Dhingra, shareholder of Dhingra Jardine Infrastructure Pvt. Ltd. in person.

None for Mr. Manveer Singh Oberoi.

**ORDER** (DILBAG SINGH SIHAG-MEMBER)

1. On the last date of hearing i.e. 23.12.2020, certain directions were given to Mr Sanjeev Dhingra by Authority, in order to prove his credentials and show his financial strength and arrangements, and the same are reproduced here as follows:

"i. Firstly, he shall establish his locus standi as promoter i.e. Dhingra Jardine Infrastructure Pvt. Ltd. to complete the project and he is authorised by a lawfully constituted Board of Directors to undertake that he is

authorised to manage and administer the affairs of the company by way of a resolution.

ii. Thereafter, he shall file an application for registration with the Authority stating therein the financial arrangement, total cost estimate for completion of the project especially highlighting Tower-wise cost and cost of completion of external and internal services, details of amount received from all the allottees till date, outstanding dues from each allottee, arrangement of finance including loans if any, to be used for completion of the project, sources of such financial arrangement, detail of amount receivable and payable to each allottee, scheduled date of completion of project with supporting external as well as internal services and monthly action plan to complete the same etc.

iii. He shall also deposit 25% of the total cost of completion of the project in the escrow account to be utilized exclusively for construction work of the project in order to espouse confidence of allottees including complainant Associations as well as Authority.

iv. He may also call a meeting of all the allottees before next date of hearing to seek their consent for completion of the project and payment of outstanding dues to be recovered from various allottees. He shall file minutes of such meeting before Authority the next date of hearing."

2. Mr. Sanjeev Dhingra along with his learned counsel Mr. Vivek Sethi, have appeared in person today. They have submitted documents including "Resolution Plan" by way of an application in compliance of order dated 23.12.2020. Application along with documents is taken on record. Mr. Sanjeev Dhingra is also directed to supply its copy to all the Complainant Associations within two days. Mr. Venkat Rao learned counsel for Mr. Sanjeev Dhingra is present through VC.

3. Mr. Venkat Rao learned counsel for Mr. Sanjeev Dhingra, stated that respondent has made following compliances as per order dated 23.12.2020 of the Authority:

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i. Respondent has placed on record a resolution passed by the Board of Directors in favour of Mr. Sanjeev Dhingra, authorising him to manage and administer the affairs of the company.

ii. He further pleaded that respondent company is also in the process of filing application for registration of the project with the Authority. In their reply they have sought three weeks to file the same since compilation of requisite documents for registration application needs more time.

Besides, other documents filed along with application, they have also submitted a proposal for completion of project referred to as "Resolution Plan". Whereby they have stated that as per their estimates, approximately total cost of Rs. 38.52 crores is required to complete the whole project comprising of 687 units in about eighteen months. He further submitted that as per his Plan, Phase -I consisting of Suburbian 160 units+ Tower Gemini 128 units + Tower D 76 units constituting 364 units i.e. about 54% of total units can be completed in 8-12 months. As per their estimates, approximately 46.27 crores is the balance revenue including unsold inventory. He also stated that respondent company has already invested about Rs. 50 lakhs for completion of the project since last date of hearing. He further apprised the Authority that one of the complainant Association of Sub-Urbian Tower has entered into an Agreement dated 09.02.2021 with them for

completion of their part of the project through them. Association of Sub-Urbian Tower has also issued a cheque dated 09.02.2021 amounting to Rs. 25 lakhs in favour of M/s Dhingra Jardine Infrastructure Pvt. Ltd. towards completion of their part of the project. He stated that total dues receivables from 160 allottees of sub-urban tower are about 7.16 crores. Currently 130 allottees have agreed to pay 4.60 crores.

He further stated that since sub-urban tower is almost complete therefore, said amount to be paid by allottees of this tower will mostly be spent on common external infrastructure which would also help in completion of the overall project. Thus, all the complainant Associations should repose trust in them for completion of the project as a whole.

iii. Mr. Venkat Rao, further stated that although they have already invested about Rs. 50 lakhs in completion of the project from last hearing, they are willing to deposit further amount in the escrow account as soon as finances are arranged.

iv. On issue of convening meeting with all the allottees of the project, learned counsels for Mr. Sanjeev Dhingra stated that Proposed Resolution Plan for completion of the project submitted to the Authority today, was only complied yesterday therefore they were unable to hold any meeting with the allottees. They sought more time

to call the meeting and put their proposal before allottees and their respective Associations for their consent/approval for completion of the project.

At this stage, Mr. Vivek Sethi learned counsel for Mr. Sanjeev Dhingra also requested that allottees should be directed to bring a copy of their Builder Buyer Agreement at the time of the meeting to ascertain the total sale consideration and time stipulated in the agreement regarding completion and handover of the possession of booked units. He also stated that he has not received documents/ estimates which were filed time to time by the various Complainant Associations, therefore he may be allowed to take copies of the same from the office of the Authority after inspection of the record.

4. Mr. Rajan Hans, learned counsel for Sub-Urbian Tower stated that as per his instructions, Association of Sub-Urbian Tower has entered into an agreement with M/s BVM Projects Ltd. and M/s Dhingra Jardine Infrastructure Private Limited for completion of their part of the project through them. He further stated that their complaint may be adjourned for about three months to enable them to execute their plans.

5. On the other hand, Mr. Rakesh Hooda, learned counsel for Tower -D stated that Towers D, Blue Solitaire (Tower C), Gloria (F) and Gemini Grove which constitute about 66% of total units in the project have

authorised him to state that allottees of all these towers are not interested to get the project completed by the respondent promoter on account of trust deficit in the promoter. He further stated that Associations of all these four towers have collected approximately 25% of the amount to be deposited in the escrow account. Since, allottees of these towers have already lost faith in the respondent, therefore, they should be allowed to complete the project themselves. He further stated that in case respondent promoter holds meeting with allottees, he shall be directed to present before them all the receivables as well as payables along with amount due to each allottee as interest on account of delay in handover of possession.

6. Mr. Shobit Phutela, learned counsel, on behalf of complainant associations of Tower Gemini Grove and Blue Solitaire (Tower C), stated that since the respondent promoter has failed miserably in delivery of their units in stipulated time as per Builder Buyer Agreement, allottees of these towers have lost faith in respondent promoter. He further stated that allottees of these towers are interested in completion of the project by themselves. Reposing trust in the Complainant Associations allottees of these towers have deposited approximately 25% of cost of completion of their share in the escrow account/account of respective association.

He further stated that due to recent interventions/attempts of takeover of project for completion by the respondent promoter, process of

takeover of completion of project by the Associations under supervision of this learned Authority has received a setback leading allottees to doubt as to now who is going to complete the project. Therefore, they are also fleeing from their commitments to their respective Associations. This state of confusion and indecision is posing difficulties for Complainant Associations to take further steps towards completion of the project. Therefore, for benefit of all allottees, Ld. Authority should determine at earliest that to whom project be handed over and who is going to complete the project i.e. whether Complainant Associations who have already covered a long distance on path of takeover of project for its completion or the respondent promoter who does not have finances with him nor has espoused trust of allottees in him by his actions or words till date.

7. Mr. Umesh Kumar on behalf of Tower C also raised similar objections against completion of project by the respondent promoter stated that respondent shall be directed to furnish allottee-wise details of amount payable to allottees including amount of interest on account of delay in handover of units.

8. Representatives of various Complainant associations have stated that allottees of all the complainant Associations are in the process of collection of 25 % of total cost of completion ( external as well as internal

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infrastructure) of the project. They have collected and deposited following amount in accounts of their respective Association:

| S. no. | Tower                   | Complaint No. | Proportionate share towards external services (in cr.) after exclusion of cost of EWS & Club building | Amount deposited (in crores) |
|--------|-------------------------|---------------|-------------------------------------------------------------------------------------------------------|------------------------------|
| 1      | Suburban                | 2694-2019     | 1.97                                                                                                  | 0.75                         |
| 2      | Blue Solitaire /Tower C | 3062-2019     | 3.15                                                                                                  | 1.18                         |
| 3      | Tower D                 | 506-2020      | 2.82                                                                                                  | 0.46                         |
| 4      | Tower E                 | 71-2020       | 2.82                                                                                                  | 0.15                         |
| 5      | Gloria /Tower F         | 3134-2019     | 1.65                                                                                                  | 0.40*                        |
| 6      | Gemini / Tower G        | 2617-2019     | 1.91                                                                                                  | 1.29                         |
| 7      | Total                   |               | 14.32                                                                                                 | 4.23                         |

\* Cheques by allottees to be realised.

9. After hearing all the parties and perusal of the written submissions made by various stakeholders i.e. Complainant Associations & Mr. Sanjeev Dhingra, Authority observes and directs as follows:

- i. Mr. Sanjeev Dhingra has today placed before the Authority an application along with documents including Resolution Plan in compliance of order dated 23.12.2020. Since, documents filed by way of this application are not yet placed before all allottees of the project for discussion and their consent, therefore, without commenting on merits of the documents attached with said application, Authority directs Mr. Sanjeev Dhingra to place the same before allottees in the meeting to be held on 21.02.2021 for their approval. In case allottees repose faith in



Mr. Sanjeev Dhingra as their promoter and agree to get their project completed through him then they shall file their affidavits qua the same.

Further Mr. Sanjeev Dhingra is directed to supply a copy of said application along with documents to each Complainant Association within two days.

He is further directed to call a meeting of all complainant allottees and their respective Associations of various towers on 21.02.2021 on the project site at 11:00 a.m. In the said meeting, he shall present details of all receivables and payables of each allottee tower-wise in a tabulated form before all the allottees and their respective Associations. Details of Payables to allottees shall also demonstrate the amount payable to them as interest on account of delay in handover of possession calculated till date. Allottees are also directed to supply to the respondent statement of receivables and payables as well as calculations on account of interest due to them on account of delay in handover of possession by the respondent in the meeting. They shall also supply a copy of their Builder Buyer Agreement to the respondent promoter.

Authority expects both, Complainant allottees as well as Mr. Sanjeev Dhingra to cooperate and discuss the proposed Resolution Plan of completion in atmosphere of mutual trust and

faith. Mr. Sanjeev Dhingra as well as Complainant Associations are directed to file all the documents presented in the meeting and minutes of the said meeting at least two weeks before the next date of hearing.

- ii. Majority of the complainant Associations except Association of Sub-Urbian tower, have stated today that they have lost faith in respondent promoter and that they want to complete the project by themselves.

Authority is cognizant of the fact that after failure of the respondent promoter to deliver them possession of their units, the complainant Associations have come a far way to the present stage where their efforts under supervision of the Authority have culminated in possibility of realisation of their dream of completion of the project by themselves. Nevertheless, Authority feels that still a lot remains to be done like procuring renewal of licences and various approvals from the concerned departments etc. which is the liability of promoter and moreover companies like promoter are better equipped to procure them. Therefore, promoter shall be given a chance to present his Resolution Plan of action to complete the project and to regain lost faith of his allottees through the proposed meeting. Respondent in the said meeting should not

give empty promises to his allottees but show them the concrete steps he has taken to regain their lost faith.

- iii. All the complainants Associations have objected to the completion of project by Mr. Sanjeev Dhingra on the ground that promoter has till date not deposited any amount in the escrow account out of his own pocket whereas they have given details of amount collected from their allottees in compliance of orders of the Authority. Associations fear that promoter after collecting remaining money from the allottees on pretext of completing project and without paying them interest for delay in delivery of possession will abandon them again in lurch.

Admittedly Mr. Sanjeev Dhingra has not yet deposited any amount in the escrow amount till date. So far they have only stated that they are in possession of a cheque amounting to Rs. 25 lakhs issued by allottees of Sub-Urbian Tower. Even the amount of Rs. 7.16 crores due from 160 allottees of Sub-Urbian tower is a mere statement and no such amount has been deposited in escrow account. As per his own statement, approximately 38.52 crores are required to complete the whole project. So in nutshell, Mr. Sanjeev Dhingra has not been able to deposit any amount in the escrow account till date despite of direction of the Authority vide order dated 23.12.2020 except a cheque of Rs. 25 lakhs and that too

received from allottees of sub-Urbian tower. Therefore, it is evident that till date Mr. Sanjeev Dhingra has not been able to arrange his own funds / financial arrangements to complete the project. It is also pertinent to mention here that he is also under a huge liability of payment of interest on account of delay in handover of possession to allottees. Therefore, he is advised to generate his own funds for completion of the project without seeking further amount in form of receivables due from the allottees.

In such circumstances, Authority directs Mr. Sanjeev Dhingra to deposit upfront a substantial amount in the escrow account before the next date of hearing. Upfront deposit of such amount shall be taken into consideration by the Authority for determination of the question as to whether Complainant Associations or Mr. Sanjeev Dhingra should be allowed to complete the project.

- iv. Meanwhile, Authority will continue to explore other possibilities of completion of the project including handing over the project to various Associations of allottees in accordance with the provisions of Section 8 of the RERA Act.

After perusal of record , it has come to the notice of the Authority that only two Associations i.e. Flat Buyers Welfare

Association Gemini Grove Duplex in Complaint No. 2617 of 2020 & Flat Buyers Welfare Association Blue Solitaire Tower-C in Complaint No. 3062 of 2020 have filed documents in compliance of order dated 23.12.2020. Therefore, remaining Complainant Associations are also directed to file documents in compliance of order dated 23.12.2020. In case, complainant Associations agree to get the project completed by Mr. Sanjeev Dhingra, they shall file their affidavits qua the same before the next date of hearing.

v. A request is made by Mr. Rajan Hans to separate and adjourn their complaint no. 2694 of 2019 for about three months to enable them to execute their plan with Mr. Dhingra. Authority is of the opinion that it cannot treat parts/towers of the project differently. Moreover it is not the case that only individual towers have to be completed, even external infrastructure has to be laid out for all the towers which are part of the project as a whole. Moreover, before proceeding further, Authority has to determine who is competent and financially equipped to complete the project i.e. whether Complainant Association or Mr. Sanjeev Dhingra, which is not possible in isolated tower-wise cases. Therefore, such atomistic approach cannot be adopted. Thus, present request to adjourn 2694 of 2020 for three months separately cannot be accepted.

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10. Adjourned to 16.03.2021



**ANIL KUMAR PANWAR**  
[MEMBER]



**DILBAG SINGH SIHAG**  
[MEMBER]