



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

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 WelfareCOMPLAINANT

Association Sector Eighty Faridabad

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 PanwarCOMPLAINANT
VERSUS
Dhingra Jardine Infrastructure Pvt. Ltd.RESPONDENT

6. COMPLAINT NO. 71 OF 2020

Tower E California Country Buyers AssociationCOMPLAINANT/S
Sector 80, Faridabad
VERSUS
Dhingra Jardine Infrastructure Pvt. Ltd.RESPONDENT

7. COMPLAINT NO. 506 OF 2020

Tower D California Country Buyers AssociationCOMPLAINANT/S
Sector 80, Faridabad
VERSUS
Dhingra Jardine Infrastructure Pvt. Ltd.RESPONDENT

8. COMPLAINT NO. 614 OF 2019

Leela Kanoi and Parmeswar L KanoiCOMPLAINANT/S
VERSUS
Dhingra Jardine Infrastructure Pvt. Ltd.RESPONDENT

CORAM: Rajan Gupta

Chairman

Anil Kumar Panwar

Member

Dilbag Singh Sihag

Member

Date of Hearing: 10.11.2021

Hearing: : 9th in COMPLAINT NO. 506 OF 2020
10th in COMPLAINT NO. 71 OF 2020
10th in COMPLAINT NO. 3134 OF 2019
11th in COMPLAINT NO. 3062 OF 2019
12th in COMPLAINT NO. 2694 OF 2019
12th in COMPLAINT NO. 2617 OF 2019
13th in COMPLAINT NO. 2236 OF 2019
13th in COMPLAINT NO. 614 OF 2019

Present: - Mr. Jagdish Ratra, President of the Complainant through VC.
(in Complaint No. 71 of 2020)
Mr. Rakesh Hooda, President for the Complainant Association.
(in Complaint No. 506 of 2020).
None for the complainant in Complaint No. 2236 & 614 of 2019
Mr Rajan Hans, Ld. Counsel for the Complainant through VC.
(in Complaint No. 2694 of 2019).
Mr. Shobit Phutela and Mr. Shubhnit Hans, Ld. Counsel for the
Complainants through VC, along with Vinod Kumar Malik
(General Secretary) for Complainant Association of (In
Complaint No.3062 of 2019)
Mr. Shobit Phutela and Mr. Shubhnit Hans, Ld. Counsel for the
Complainants through VC along with Mr. Anand Kumar Jain,
Treasurer and Mr. Mukesh Khanduja, General Secretary of
Complainant Association (in Complaint No. 2617 of 2019)
Mr. Anil Chopra, President for the Complainant Association
along with Mr. Rakesh Punjani. (in Complaint No. 3134 of 2019)
Mr. Vivek Sethi & Mr. Venkat Rao, Ld. Counsels for Mr.
Sanjeev Dhingra, shareholder of Dhingra Jardine Infrastructure
Pvt. Ltd.



ORDER **(RAJAN GUPTA-CHAIRMAN)**

1. Today is 9th to 13th hearing in various matters. At this stage it may be appropriate to re-capture the direction in which this case is going.

(i) The project named California County being developed by promoter Dhingra Jardine Infrastructure Pvt. Ltd. It does not appear possible to be completed by the promoter company. The promoter company has failed even to fulfil the requirements of law to get their project registered with the Authority. There are 687 allottees in the project who are suffering badly. Most of the allottees have prayed for completion of the project and handing over of possession of their apartments to them. Since it has been concluded that at this stage the promoter does not appear to be in a position to complete the project, action is being taken in pursuance of the provisions of Section 8 of the RERA Act to get the project completed by handing it over to Association of Allottees.

(ii) The project is comprised of six towers namely Tower-D, Gloria (Tower -F), Gemini (Tower-G)& Tower C (Blue Solitaire)and Suburbian. Different towers are at different stages of completion. The tower named Sub-Urbian is probably at the most advance stages of completion



and rest are still not habitable. All the towers require different quantum of investment for completing internal works in the towers as well as in individual apartments to make them habitable. Apart from internal works of towers, various external services like Electricity, Storm water drainage, sewage disposal system, roads and street lights system etc are also yet to be laid. Considerable expenditure is required for completion of external services.

(iii) Six different Associations have been formed in the project, one each in respect of each individual tower. Each Tower is proposed to be handed over their to Associations of those individual towers for completion at their own level. Further, since external services will be common for all towers, a joint association of all six towers has been formed for undertaking the task of laying said external services.

(iv) The Authority at present is at the stage of ascertaining capabilities of each individual association to complete internal works of individual towers and also capability of joint association of all towers to undertake the task of laying external services.

(v) Funds for undertaking both the tasks are proposed to be arranged through following means:

- a. The balance money yet to be paid by individual allottees as per terms of agreement executed with promoter;
- b. Sale of vacant apartments in the project;
- c. Additional contribution to be made by individual allottees in case of shortfall.

(vi) For aforesaid purposes, especially to ascertain seriousness and capability of individual associations, Authority has been directing that estimate of cost of completing internal works of individual towers should be ascertained. Further, at least 25% of the cost estimated for each individual tower should be collected and put into a separate account of individual associations of each tower. Further, 25% of cost required for completing external services should be contributed by each individual association and put into another dedicated account which shall be used for laying external services after completing internal works of the towers.

(vii) After money in aforesaid manner is collected, Authority will in principle hand over individual

towers to respective association and will direct them to prepare detailed tender documents and award it to an appropriate agency in a transparent manner.

2. For aforesaid purposes repeated directions have been issued, and modified from time to time, for facilitating completion of project through association of allottees. On the last date of hearing, certain information in tabulated form was asked from individual associations. Some information has been furnished and will be discussed in succeeding paragraphs.

3. The gist of discussions held today in the court and conclusions arrived at are captured as follow:

(i) Shri Rajan Hans, learned counsel for association of allottees of Sub-Urbian Tower reiterated that many allottees of Sub-Urbian tower are already residing there. All that they now need is electricity connection from UHBVN. He requested that their association should be treated separately and their tower should be handed over to them and they do not wish to participate with other associations for completion of external services.

The Authority has been declining this request of the association for Sub-Urbian Tower. They cannot be allowed to disassociate themselves from other associations because they are as much liable for making due contribution for laying external services as the other associations. External services will be used

by everyone including allottees of Suburban tower. In fact, residents of Sub-Urbian towers are beneficiaries of contributions made by allottees of other towers because it was through joint collection of funds by the builder that their tower had been completed ahead of other towers.

As already ordered since the allottees of Sub-urban towers do not wish to join the other association and they would like to get their tower completed through the promoter, their **Complaint No.2694 of 2019 has become in-fructuous and the same is, accordingly, disposed of.** The Authority, however, reiterates that allottees of Sub-urban towers will remain liable to make due contribution for laying external services. Further if any money is yet to be paid by any allottee to the promoter in accordance with Builder-Buyer Agreement, the allottee will remain liable to pay the same.

It is further ordered that if at any later stage the association of Sub-urban tower wishes to join other association for laying external services, they shall be free to do so after making their due contribution towards the cost of external services.

4. In the last order dated 28.9.2021, in paragraph-7 Shri Ashutosh representative of the association of tower-E had stated that they also do not

wish to join other associations for completion of their tower-E. Instead they would like to get the project completed through respondent company.

Today Shri Jagdish Ratra, President of tower-E made a statement completely changing the stand earlier taken. He stated that the association has re-considered the matter and would now like to join other associations for completion of their tower, as well as for completion of external services. Request made by Shri Ratra is accepted.

So that the stand of the association is not changed repeatedly, an affidavit duly signed by office bearers of the association of tower-E should be submitted before the Authority in respect of their stand that they wish to join other associations for laying of external services etc. and will takeover the tower-E for completion at their own level.

5. Shri Anil Chopra, President of the complainant association of Gloria Tower stated that their tower is least constructed and require maximum amount of investment approximately Rs.11.48 crores, for completion. He stated that money contributed by allottees of Gloria tower has been invested in other towers. He stated that allottees of this tower have already made about 85% payment against the due amount. He requested that the cost of completion of Gloria tower should be distributed amongst other allottees of other towers also.

The Authority observes that it may difficult or even inappropriate to ask allottees of other towers to incur cost beyond the amount agreed to be paid

in their agreements with the builders. Such additional cost, however, deserves to be borne by the respondent- promoter. Accordingly, at an appropriate stage Authority will consider diverting funds generated from sale of un-allotted apartments towards the Gloria tower. In other words, deficit funds in respect of Gloria tower could be bridged by way of sale of un-allotted inventories of the project. Such a decision however, will be taken in due course of time.

6. In the order dated 28.9.2021, Authority had asked all the associations to submit information relating to cost to be incurred on internal works of each tower, and money collected for completion of those works. Similarly, information was sought in respect of cost to be incurred for laying external services and money contributed and to be contributed by individual associations towards that. Part information however, has been received as shown in the tables below:

Estimated cost for internal works for 5 Towers /Project namely Gemini, Tower D, Tower E, Tower C and Gloria with minimum facilities excluding mosaic flooring:

S. No.	Tower	Complaint no.	No. of flats	Estimate cost of balance Internal works (in cr.)
1.	Gemini	2617-2019	128	3.50
2.	Tower D	506-2020	76	2.01
3.	Tower E	71-2020	76	3.65
4.	Tower C	3062-2019	95	4.56
5.	Gloria (F)	3134-2019	152	11.48
6.	Suburbian	2694-2019	160	-----
			687	25.20

Estimated cost for external works and amount collected till date from allottees towards 25% of cost completion of external works:

S. No.	Tower	Complaint No.	Proportionate share towards external services after exclusion of cost of EWS and Club building (in cr.)	Amount Deposited (in cr.)
1.	Suburban	2694-2019	1.97	NA
2.	Blue Solitaire / Tower C	3062-2019	3.15	1.25 (approx.)
3.	Tower D	506-2020	2.82	0.58 (approx.)
4.	Tower E	71-2020	2.82	NA
5.	Gloria / Tower F	3134-2019	1.65	NA
6.	Gemini / Tower G	2617-2019	1.91	1.25
			14.32	3.08 (approx.)

On the basis of the information submitted it can be stated that except for Blue Solitaire and Gemini Tower all other associations are falling short of making their contribution towards upfront contribution to be made for laying external services. The associations who have not yet contributed 25% of their share of the estimated cost should do so by the next date of hearing. The Authority will not hand over respective tower to them unless 25% contribution towards the cost of external services is contributed by respective association.

In the second table it has been estimated that the total cost of 25.20 crores is required for completing internal works of five towers other than Suburban tower. However, information has not been submitted whether 25% of

such estimated cost has been contributed by individual allottees to the respective associations and the same has been put into an Escrow account. The Authority reiterates that unless 25% of estimated cost of internal work of each individual tower comes into the Escrow account of respective individual associations, the project will not be handed over to them.

All associations must collect money as per these directions and submit information to the Authority on the next date demonstrating that the requisite funds have been collected.

7. After requisite funds are collected in respect of internal works, Authority will direct respective associations to go ahead and issue tenders for awarding construction works to qualified contractors. Once this stage is reached, individual towers will be handed over to respective associations for completion at their level.

8. Shri Vivek Sethi appeared on behalf of respondent promoter and stated that they had filed an appeal before Hon'ble Appellate Tribunal. The same, however, has been withdrawn with liberty to appellants to raise all the issues before the Authority. The Authority takes due notice of orders passed by Hon'ble Tribunal.

9. All the Associations are directed to file aforesaid information with a copy given to opposite party at least one week before the next date of hearing.

10. Adjourned to 09.12.2021.



RAJAN GUPTA
[CHAIRMAN]



ANIL KUMAR PANWAR
[MEMBER]



DILBAG SINGH SIHAG
[MEMBER]

