



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

...COMPLAINANT

Faridabad

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

.....COMPLAINANT

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 Kanoi

....COMPLAINANT/S

VERSUS

Dhingra Jardine Infrastructure Pvt. Ltd.

....RESPONDENT

CORAM: Anil Kumar Panwar

Member

Dilbag Singh Sihag

Member

Date of Hearing: 12.08.2021

Hearing: : 7th in COMPLAINT NO. 506 OF 2020

8th in COMPLAINT NO. 71 OF 2020

8th in COMPLAINT NO. 3134 OF 2019

9th in COMPLAINT NO. 3062 OF 2019

10th in COMPLAINT NO. 2694 OF 2019

10th in COMPLAINT NO. 2617 OF 2019

11th in COMPLAINT NO. 2236 OF 2019

11th in COMPLAINT NO. 614 OF 2019

Present: - None for Complainant. (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

None for the Complainant. (in Complaint No. 2694 of 2019)

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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 (in Complaint No.2617 of 2019)

Mr. Anil Chopra, Ld. Counsel 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..

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..

ORDER (DILBAG SINGH SIHAG-MEMBER)

1. while initiating his pleadings, learned counsel for Sh. Sanjeev Dhingra, Sh. Vivek Sethi along with Mr. Sanjeev Dhingra today submitted that they have made arrangement of Rs. 8.00 crores for completion of the project. They also stated that they are willing to deposit the same in the escrow account to be monitored by the Authority. Elaborating the details regarding arrangement of Rs. 8.00 crores, they furnished documents showing that about 4 crores will be raised through loan from Abhivadan Capital Services Private limited and JP Fincap Private Limited. Remaining 4 .00 crores, will be deposited by allottees of sub-urban tower who have already agreed to pay

4.60 crores. Copy of said documents have been provided to the complainants. Mr. Venkat Rao, counsel for Mr. Sanjeev Dhingra further informed the Authority that their application for registration under the RERA, Act, 2016 is currently pending before the Authority. Even their application for renewal of license is also pending before the Department of Town & Country Planning, which they hope will be renewed soon. Mr. Venkat Rao pleaded that as per their estimates projected in Resolution Plan dated 08.02.2021, approximately total cost of Rs. 38.52 crores is required to complete the whole project comprising of 687 units in about eighteen months. As per his Resolution Plan, approximately 10.97 crores is required for completion of Phase -I constituting 364 units (consisting of Suburbian 160 units+ Tower Gemini 128 units + Tower D 76 units) i.e. about 54% of total units in 8-12 months. Now, since they have arranged approximately 8 crores, they can start with completion of Phase -I of the Project. Completion of Phase -I would not only espouse confidence of present allottees but also help them to generate more finances by sale of unsold units. Completion of Phase-I would also help them raise further loans from finance companies. He also stated that as per their estimates, approximately 46.27 crores is the balance revenue including outstanding from allottees and unsold inventory.

2. on the other hand, Shri Rakesh Hooda made submissions on behalf of the Association of all the towers except Suburbian tower. He pleaded that architect has been appointed by them for completion of external

infrastructure of the project. He also stated that they have initiated the process of inviting tenders for completion of external infrastructure which shall be complete by 04.10.2021. Thus, they will identify lowest bidder and submit comparative chart of the bids for getting final approval of the Authority. He submitted certain documents showing process of inviting tenders initiated by them. Copy of the same was supplied to Sh. Sanjeev Dhingra. He informed Authority that expenditure of about Rs. 25 lakhs has been made for inviting tender, appointment of architect etc., which has been paid out of common pool.

3. Sh. Rakesh Hooda espousing his concern regarding handover of project to Mr. Sanjeev Dhingra stated that till date no such amount of Rs. 8 crores, has been deposited by him in escrow account and out of alleged Rs. 8 crores 4 crores are also dues to be deposited by allottees of Sub-Urbian which till date remains to be deposited. He reiterated that allottees of complainant towers have already lost faith in the respondent, therefore, they should be allowed to complete the project themselves. He further stated that Mr. Sanjeev Dhingra is also liable to pay interest on account of delay in handover of possession to all allottees. Therefore, Mr. Sanjeev Dhingra should also display as to how he will pay the delay interest to the allottees.

4. Sh. Rakesh Hooda, further stated that till date locus standi of Sh. Sanjeev Dhingra has not been established as respondent promoter. Therefore,

he cannot be allowed to complete the project till the same is established before the Authority as well as allottees.

In response to question regarding locus standi of Mr. Sanjeev Dhingra, his counsel Mr. Venkat Rao stated that their application for registration of the project which is pending before the Authority for consideration therein they would furnish necessary documents which would establish their status as respondent promoter.

Learned counsel for complainants, Mr Shobit Phutela and Mr. Rakesh Hooda stated that they would like to participate in the registration proceedings pending before the Authority and take copy of all information supplied by Mr. Sanjeev Dhingra therein.

Since, proceedings regarding registration of the said project is pending before Project section of the Authority, therefore, complainant allottee or their counsels may apply for information/documents and participate in the said proceeding by following appropriate procedure. They may contact Project section of the Authority for the same. As regarding question of locus standi of Mr. Sanjeev Dhingra, the same would be effectively addressed after decision on the application for registration filed by him.

5. Mr. Rakesh Hooda further stated that they have filed an application dated 25.07.2021 whereby they have alleged that despite direction of the Authority to Mr. Sanjeev Dhingra vide order dated 16.03.2021, to not to obstruct entry of any allottee, or members of the Association or their

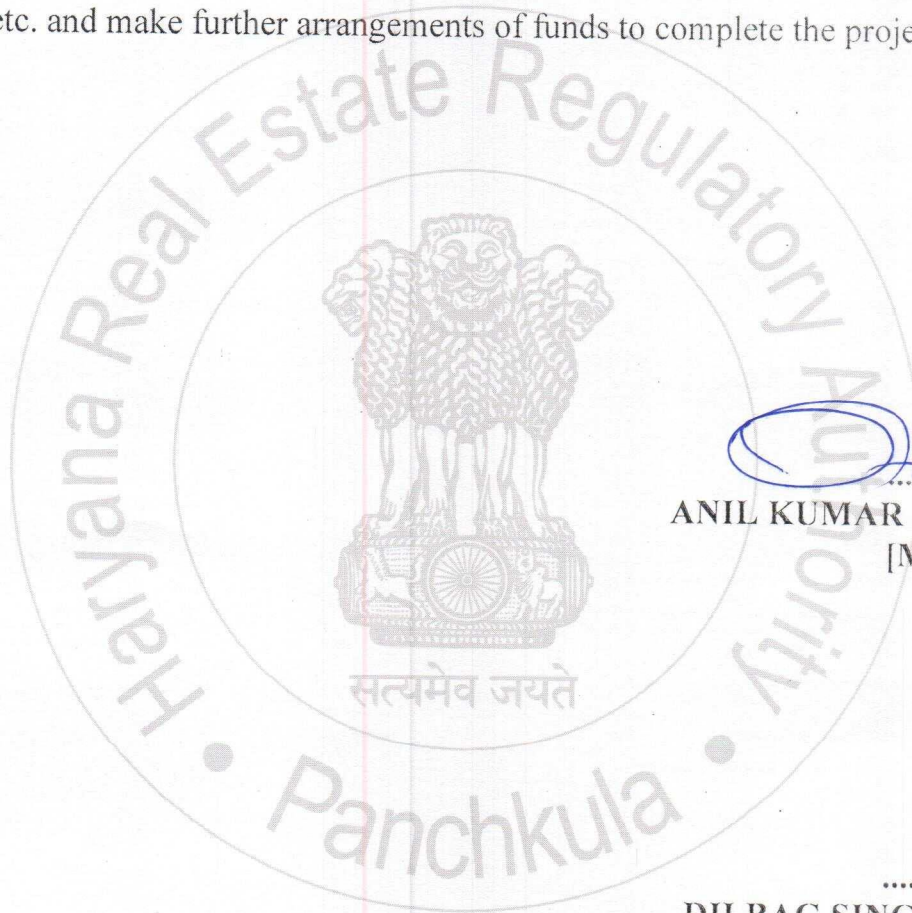
representatives from visiting the site or from carrying out survey activities, Mr. Sanjeev Dhingra and his henchmen are repeatedly obstructing allottees as well as their representatives from visiting the site. They have also filed complaint to local Police station but no action has been taken by the local police.

Responding to said allegation, Mr. Vivek Sethi counsel for Mr. Sanjeev Dhingra stated that since about 150 families are living in said project, therefore, unauthorised persons are not allowed to enter premises. Till date no obstruction has been caused to entry of allottees or office bearers or their representatives for bonafide activities being undertaken for completion of the project like survey etc. They have urged the Authority to formulate some arrangement regarding entry of authorised persons.

After consideration of the matter, Authority appoints Mr. Rakesh Hooda as in charge who will issue entry slips to persons who want to visit the project site for carrying out survey etc. or any other bonafide purpose. He will be responsible for conduct of such persons whom he issues slips. Further he should refrain from issuing slips to large groups. Mr. Sanjeev Dhingra may also make arrangement for cameras for video recording at entry and exit points of the project site to avoid any untoward incident.

6. Since, application for registration of the project filed by Mr. Sanjeev Dhingra is still pending for adjudication before the Authority, and today Mr. Sanjeev Dhingra has displayed arrangement of about Rs. 8 crores,

therefore, in view of such facts, decision regarding who is competent and financially equipped to complete the project i.e. Complainant Association or Mr. Sanjeev Dhingra, Full Bench of the Authority will hear the matter and decide accordingly. So, cases are adjourned to 28.09.2021, meanwhile complainant allottees may continue to take necessary steps for completion of the project and Mr. Sanjeev Dhingra may obtain necessary approvals/licenses etc. and make further arrangements of funds to complete the project.




ANIL KUMAR PANWAR
[MEMBER]


DILBAG SINGH SIHAG
[MEMBER]