



Complaint No. 3134, 2617, 2694, 3062,
2236, 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 Eighty
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 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



CORAM: Rajan Gupta

Chairman

Anil Kumar Panwar

Member

Dilbag Singh Sihag

Member

Date of Hearing: 13.10.2020

Hearing: : 2nd in COMPLAINT NO. 506 OF 2020

3rd in COMPLAINT NO. 71 OF 2020

4th 3rd in COMPLAINT NO. 3134 OF 2019

4th in COMPLAINT NO. 3062 OF 2019

5th in COMPLAINT NO. 2694 OF 2019

5th in COMPLAINT NO. 2617 OF 2019

6th in COMPLAINT NO. 2236 OF 2019

Present: - None for the Complainant.

(in Complaint No. 71 of 2020)

Mr. Rakesh Hooda, for the Complainant through VC.

(in Complaint No. 506 of 2020).

None for the complainant in Complaint No. 2236 of 2019

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

Mr. Shobit Phutela, Counsel for the Complainants through VC
and Mr. Mukesh Khanduja and Anand Jain in person.



(in Complaint No. 2617 of 2019 & 3062 of 2019)

Mr. P.P. Gupta, Counsel for the Complainant through VC

(in Complaint No. 3134 of 2019)

Mr. Vivek sethi, Counsel for Mr. Sanjeev Dhingra, shareholder
of Dhingra Jardine Infrastructure Pvt. Ltd. through VC.

ORDER (RAJAN GUPTA-CHAIRMAN)

1. In furtherance of the orders dated 02.09.2020 of this Authority, it has been stated today that a meeting of the Presidents/senior functionaries of various associations was held in which the estimated cost of competing the external services of the entire project was decided to be apportioned amongst associations of different towers as follows:

S. no.	Tower	Complaint No.	Proportionate share towards expenditure on external services (in crores)
1.	Gloria	3134-2019	2.79
2.	Gemini Grove	2617-2019	3.24
3.	Suburbian	2694-2019	3.35
4.	Blue Solitaire Tower C	3062-2019	4.84
5.	Tower D	506-2020	4.32
6.	Tower E	71-2020	4.32

2. Shri Shobit Phutela , learned counsel for the complainant association in complaint No.2617 of 2019 and complaint No.3062 of 2019 pertaining to Gemini Grove Duplex and Blue Solitaire tower-C respectively stated that they are agreeable to the cost apportioned to be incurred by them. Similarly, Shri Rakesh Hooda appearing for the association of the allottees of Tower-D in Complaint No.506 of 2020 also agreed to the cost apportioned to them. They



further stated that they have sent their affidavits in this regard by email to the Authority. Respective complainant associations are directed to file hard copy of the same in the office of the Authority.

3. Now, after accounting for the three associations listed above, the disputes relating to associations of remaining towers i.e. Gloria complaint No.334 of 2019; Sub Urban Towers complaint No.2694 of 2019; Tower E Complaint No.71 of 2020 remains to be settled. None was present on behalf of the complainant association in Complaint No.71 of 2020 in respect of Tower-E . Therefore, their stand regarding the cost apportioned to them could not be ascertained.

The stand conveyed in writing on behalf of the Gloria Association, Complaint No.3134 of 2019, is that the cost worked out for completing external services by the Engineer/Architect is much inflated. According to them the external services may not cost more than Rs.10 to 12 crores.

Shri Rajan Hans learned counsel for the complainant for the Sub-Urban tower, in complaint No.2694 of 2019, stated that they do not wish to be a part of this process because their tower is already complete and only minor problems relating to enhancement in the electricity load remains to be resolved. For these reasons, the cost of infrastructure amounting to Rs.3.35 crores apportioned to them is not acceptable to them. Shri Rajan Hans



requested for separating them from the present resolution process and handing over their tower to the association for completion at their own level.

4. Shri Vivek Sethi, learned counsel appeared for Shri Sanjeev Dhingra, Director of the respondent company. He pleaded that the respondent promoters are committed to completing the project. He requested that the further action for handing over the project to the various associations may be stopped.

In regard to the submissions on behalf of the respondent, the Authority observes that ideally the project should be completed by the respondent company. However, mere expression of intent in this regard will not be enough. The respondents has to arrange funds for completing the project and put those funds in an escrow account to be monitoring by this Authority. Without arrangement of funds the statements of the respondents declaring their intent has no meaning. The respondents may arrange adequate funds for completing the project. If they do so, the Authority would like to get the project completed through them in preference to handing it over to the different Associations but in the absence of arrangements of funds by the respondents the Authority will continue to explore the possibility of handing over the project to the Associations.

5. After consideration of the matter, the Authority observes and directs as follows:



(i) The Authority is of the considered view that the cost of the infrastructure facilities like roads, streets lighting, water supply system, sewerage system, drainage system and electricity supply system etc. has to be borne proportionately by all the Associations. If apartments of one Association had been completed ahead of rest of the towers and their infrastructure facilities have been provided before the others, it simply gives rise to a presumption that from the overall kitty of money collected from all the allottees of the project more money has been spent on such completed towers in preference to the others. The infrastructure facilities have to be laid common for all. They cannot be separated for each association. For these reasons the arguments put forwarded by Shri Rajan Hans on behalf of the Sub-Urbian Welfare Association cannot be accepted. Sub-Urbian Association will have to bear proportionate cost of laying the infrastructure facilities otherwise their towers cannot be handed over to them.

(ii) Regarding the claim put-forward by the association of Gloria towers that the cost of infrastructure is likely to be much less than projected, the Authority would direct them to have the cost worked out from a qualified Engineer at their own level and present it before the general body of all the associations for deliberations



and arrive at a consensus. Mere claim that the cost is less will not convince the Authority about the actual cost likely to be incurred.

The Authority once again reiterates that it is adopting the extra-ordinary measures of getting the project completed through the associations of different towers. It expects all the associations to cooperate with each other. Unless all the associations cooperate and arrive at a mutual understanding about the likely cost and the manner of apportionment of that cost, resolution to the problem cannot be found and the project will remain in limbo. It will be in the interest of all the associations that they cooperate and arrive at a workable formula for apportionment of the actual cost likely to be incurred.

(iii) Since none was present on behalf of the association in Complaint No.71 of 2020 in respect of Tower-E , therefore, the association of this tower is directed to file an affidavit stating their stand regarding the cost apportioned to them before the next date of hearing.

(iv) Remaining three associations have agreed with the apportionment of the cost. This Authority would like to ensure that adequate funds are available with the executing agencies appointed by the associations before commencement of development works. The Authority would direct each of the associations to collect upto



25% of the cost apportioned to them from their members and put the same in the account of the association to be contributed for laying infrastructure facilities.

(v). A copy of the report of the Engineer/Architect who has estimated the cost of infrastructure to be Rs.22.90 crores should be placed on the record of the Authority for reference. If associations themselves are not able to come to any conclusion, the Authority will get the report of the Engineer/Architect verified from the firm of Engineers appointed by it.

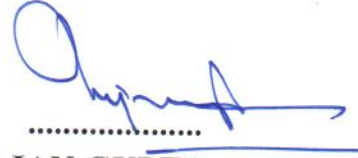
(vi) Presidents of the associations are again directed to meet and discuss amongst themselves the likely cost and the formula for their apportionment. Unless all the associations cooperate with each other the project will not see the light of the day.

(vii) Each association in the meantime should also work out the cost likely to be incurred for completion of their respective towers other than the cost of infrastructure. They should also work out the modalities of awarding the construction works to the suitable construction agency for completion of the apartments. The Authority would expect each association to submit before it the likely cost of completion of the apartments and the sources of the funds for meeting the said expenditure. It will be expected that the



information submitted before the Authority is duly approved by the
General body of the respective associations.

6. With above directions the matter is adjourned to 03.12.2020.



RAJAN GUPTA
[CHAIRMAN]



ANIL KUMAR PANWAR
[MEMBER]



DILBAG SINGH SIHAG
[MEMBER]