



Complaint No. 3134, 2617, 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. 3062 OF 2019**

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

VERSUS

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

**4. COMPLAINT NO. 2236 OF 2019**

Vinay Panwar

....COMPLAINANT

VERSUS

Dhingra Jardine Infrastructure Pvt. Ltd.

....RESPONDENT

**5. COMPLAINT NO. 71 OF 2020**

Tower E California Country Buyers Association  
Sector 80, Faridabad

....COMPLAINANT/S

VERSUS

Dhingra Jardine Infrastructure Pvt. Ltd.

....RESPONDENT

**6. COMPLAINT NO. 506 OF 2020**

Tower D California Country Buyers Association  
Sector 80, Faridabad

....COMPLAINANT/S

VERSUS

Dhingra Jardine Infrastructure Pvt. Ltd.

....RESPONDENT

**7. COMPLAINT NO. 614 OF 2019**

Leela Kanoi and Parmeswar L Kanoi

....COMPLAINANT/S

VERSUS

Dhingra Jardine Infrastructure Pvt. Ltd.

....RESPONDENT

**CORAM: Rajan Gupta**

**Chairman**

**Dilbag Singh Sihag**

**Member**



**Date of Hearing:** 15.03.2022

**Hearing: :** 10<sup>th</sup> in COMPLAINT NO. 506 OF 2020

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

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

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

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

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

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

**Present: -** Mr. Rakesh Hooda, President for the Complainant Association of  
Towe D. (in Complaint No. 506 of 2020).

Mr. Shobit Phutela, Ld. Counsel for the Complainants through  
VC, along with Vinod Kumar Malik (General Secretary) for  
Complainant Association of Tower C (In Complaint No.3062 of  
2019)

Mr. Shobit Phutela, Ld. Counsel for the Complainants through  
VC (in Complaint No. 2617 of 2019)

Mr. Shekhar Verma, Id. Counsel for Complainant Association of  
Gloria Tower F. (in Complaint No. 3134 of 2019)

None for Tower E.

(in Complaint No. 71 of 2020)



None for the complainant in Complaint No. 2236 & 614 of 2019  
Mr. Vivek Sethi, Ld. Counsel for Mr. Sanjeev Dhingra,  
shareholder of Dhingra Jardine Infrastructure Pvt. Ltd.

**ORDER**      **(RAJAN GUPTA - CHAIRMAN)**

1. In compliance of direction give vide order dated 09.12.2021, learned counsels/representatives of various associations have submitted information regarding the amounts collected by them for laying external services of the entire project, and also for completion of internal works of each tower. The Authority had earlier given directions to all associations that 25% of amount required for completion of internal works of each tower should be collected and deposited in a separate account by each association, before each tower is handed over to respective associations for completion at their own level. Similarly, all associations together were directed to collect 25% of estimated cost of external services and deposit the amount in another separate account for completing external infrastructure works.

2. Shri Shobhit Phutella, learned counsel appearing for Flat Buyers Welfare Association of Tower Gemini Grove Duplex stated that Association has collected an amount of Rs. 135.25 lakhs against requirement of Rs. 149 lakhs stipulated by Authority. Accordingly, they have fulfilled important condition made by Authority. He further stated that Association has also



invited bids for undertaking construction work by publication of a notice in newspapers on 16.12.2021. They have received bids from various contractors.

3. Association of Gemini Grove Duplex Tower shall put an amount of Rs. 47.75 lakhs which is their contribution towards laying external services in a separate bank account. This account shall not be operated by anyone except with approval of this Authority.

Authority is of the considered view that Association of Tower Gemini Grove Duplex project have reached the stage whereby project can be handed over to them for completion at their own level. Authority accordingly hereby hands over Tower to the Association in pursuance to the provisions of Section 8 of RERA Act.

The Association shall report progress of the development works regularly to Authority on each date of hearing. It is reiterated that further amount required for completing external services will continuously be collected proportionately and deposited in separate account.

4. Learned counsel Shri Shobhit Phutella appearing for Flat Buyers Welfare Association Blue Solitaire Tower-C submitted an application dated 04.02.2022 inter-alia submitting the Balance Confirmation Certificate issued by HDFC Bank, he stated that Association of Tower-C have collected an amount of Rs.192.75 lakhs against requirement of Rs. 192.75 lakhs stipulated



by Authority. Further they have also issued an advertisement in newspapers inviting bids for undertaking development works of the project.

5. Authority decided to hand over Tower-C also to its Association. Association will put the amount earmarked for laying external services in a separate bank account and such amount shall not be used by Association except with prior approval of this Authority. This Tower accordingly stands handed over to this Association. They may go ahead and complete it at their own level. Various conditions and stipulations made from Authority from time to time will be applicable. Association will submit progress report on each date of hearing.

6. Remaining Associations have not been able to mobilize requisite funds to enable Authority to handover the project to them. Those Associations may continue to make efforts and whenever they collect adequate amount of funds and are able to evolve a consensus amongst members, they may apply to this Authority for handing over the project to them also. Authority upon receipt of such request will pass appropriate orders.

7. Associations of Tower Gemini Grove Duplex and Blue Solitaire Tower-C have been handed over their respective towers for completion at their own level. Authority would direct these two Associations to explore possibility whether separate external services in respect of their part of the project can be developed. A feasibility report in this regard may be got



prepared through an expert agency, thereafter, Authority would recommend for appropriate action to the Town and Country Planning Department for granting them approval in respect of laying separate external services for their two towers.

8. Mr. Shekhar Verma, Ld. counsel for Association of Tower Gloria informed the Authority that they have not been able collect requisite funds because allottees of Tower Gloria have already made about 85% payment against the due amount. This money so contributed by allottees has been invested in other towers by respondent-promoter.

9. Authority observes that as Association of Tower Gloria has failed to collect the required amount for completing internal works and therefore, is not in a position to take over the project. Authority decides not to hand over Tower Gloria to Association at this stage and their claim of taking over the Tower, for the time being stands suspended. However, whenever in future, the Association collects the requisite funds and show their capability to complete the project their case will be considered again.

10. Sh. Rakesh Hooda, Ld. counsel for Tower D informed the Authority that after the Order dated 09.12.2021 Association has collected 70 lakhs as against 120.75 lakhs. He further stated that except for collection of money, they have complied with every other direction such as preparation of BOQs and estimation of cost. Authority directs ld. counsel to file an application with

Authority showing compliance with all the directions ordered from time to time. Authority reiterates that without satisfying stipulated condition of collection of requisite amounts, Tower D cannot be handed over to the Association.

11. Authority decides not to hand over Tower D to the Association as they have also failed to collect the stipulated amount. Hence, their claim to take over Tower stands suspended. Whenever they collect requisite amount, they may file an application for re-opening their claim.

12. No one is present on behalf of Tower-E. Information in this regard should be submitted by them by next date of hearing.

13. Authority further decides to issue following directions/ guidelines to Association of Towers Gemini Grove Duplex and Blue Solitaire Tower-C who have been handed over their respective towers for completion at their level: -

- i) Record of Income and Expenditure should be maintained by the Association meticulously. Statement of all receipts and payments made during a month should be placed before General Body of the Association. Minutes of said meetings of the General Body should be placed before Authority on the dates of hearing.
- ii) All payments should be approved by Governing Body of the respective Associations.

- iii) After handing over of Tower Gemini Grove and Blue Solitaire to respective Associations, they have stepped into the shoes of promoters of the project in respect of their Towers. An issue was raised by one of the representatives that respondent-promoter is not allowing the Association to function freely, and in fact is causing damage to the structure. Authority hereby clarifies that in pursuance of Section 8 of RERA Act, 2016 now respective Associations have become promoters of the project. They are like owners in possession of the project. Authority decides to send a copy of this order to the Police Commissioner, Faridabad with a direction that on a request made by respective Association, full police protection should be provided to them and miscreants, if any, who stops the Association from working freely should be proceeded against as per law.
- iv) SE/XEN/SDO concerned of DHBVN is directed to release temporary connections to respective Associations of Towers Gemini Grove Duplex and Blue Solitaire Tower-C whenever they approach them.
- v) Associations shall be deemed to have not inherited any liability which may have been incurred by respondent-promoter in the past. The liability, if any, in respect of these Towers which may

have been incurred by respondent-promoter shall remain the obligation of respondent-promoter only to be discharged. In simple words, the Associations have taken over the project free from all charges, liabilities or incumbrances. All local authorities or State authorities may raise their demand, if any, against respondent-promoter in respect of liabilities incurred prior to taking over of the project.

- vi) Respective Associations are free to deal with non-member allottees or non-paying allottees at their own level in any manner consider appropriate. However, decision in such regard should be taken in the General Body meeting of the Associations.

14. Adjourned to 18.05.2022 for further monitoring of progress.



सत्यमेव जयते

RAJAN GUPTA  
[CHAIRMAN]

DILBAG SINGH SIHAG  
[MEMBER]