



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: Rajan Gupta

Chairman

Anil Kumar Panwar

Member

Dilbag Singh Sihag

Member

Date of Hearing: 16.03.2021

Hearing: : 6th in COMPLAINT NO. 506 OF 2020

7th in COMPLAINT NO. 71 OF 2020

7th in COMPLAINT NO. 3134 OF 2019

8th in COMPLAINT NO. 3062 OF 2019

9th in COMPLAINT NO. 2694 OF 2019

9th in COMPLAINT NO. 2617 OF 2019

10th in COMPLAINT NO. 2236 OF 2019

10th in COMPLAINT NO. 614 OF 2019

Present: - Mr. Jagdish Ratra, President of the Association 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, along with Vinod Kumar Malik (General Secretary) for
Complainant Association of (In Complaint No.3062 of 2019)

Mr. Shobit Phutela, Ld. Counsel for the Complainants through
VC along with Mr. Mukesh Khanduja (General Secretary of
Complainant Association (in Complaint No. 2617 of 2019)

Mr. P.P. Gupta, 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. 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.

Mr. R. K. Doon, Counsel for Mr. Manveer Singh Oberoi.

ORDER (RAJAN GUPTA-CHAIRMAN)

1. In continuation of the previous proceedings, different parties
made their submissions before the Authority as follows:

- (i) First of all Shri Rakesh Hooda made submissions on behalf of the
Association of all the towers except Suburban tower and stated that an amount
of Rs.4.23 crores has already been collected towards 25% cost to be incurred
for completing external services of whole of the project. Further, sufficient

amount is being collected by the respective Associations of individual towers for completing the internal works of the apartments in those towers. Shri Rakesh Hooda and representatives of the Associations of other towers requested the Authority to hand over the project to them for commencing construction of external services and for completing internal works of individual towers by the respective Associations. It was reiterated that allottees and Associations do not have any faith in Shri Sanjeev Dhingra or any other representative of the promoter company, therefore, in the interest of the allottees Shri Sanjeev Dhingra's request for allowing them to complete the project should not be accepted. Instead their request for handing over of the project to respective Associations should be accepted by the Authority. A request was also made that the representative of the Associations of the five towers are not being allowed entry by the security guards appointed by Shri Sanjeev Dhingra, therefore, they are facing problems in carrying out the activities relating to taking over of the project in furtherance of the orders of this Authority.

(ii) Shri Rajan Hans speaking on behalf of the Sub-urban towers stated that they have established liaison with Mr. Sanjeev Dhingra and would like to get their part of the project completed through him i.e. through the respondent company or their representatives. He reiterated that they do not wish to get the project completed by being a part of group of the Associations of rest of the towers.



(iii) Shri Sanjeev Dhingra appeared personally. Shri Venkat Rao, Advocate, also appeared as counsel on behalf of Shri Sanjeev Dhingra. Shri Venkat Rao learned counsel for Shri Sanjeev Dhingra stated that this Authority cannot hand over the project to the respective Association because the promoters have filed an application for registration of the project. A project can be handed over to Association of allottees only when registration of the project is cancelled. At this stage since an application for registration of project is under consideration of the Authority, it may be pre-mature to consider handing over of the project to the Associations. Shri Sanjeev Dhingra requested that they should be allowed to use unused material lying at the project site for completing the work of Sub-urban tower.

(iv) Shri R. K. Doon, Advocate, appeared on behalf of a private person Shri Manbir Oberoi. He however, neither had any power of attorney nor Shri Manbir Oberoi is a party in the current proceedings, therefore, his submissions were not taken on the record.

2. The Authority after due consideration of the matter observes and orders as follows:

(i) First of all the submissions made by Shri Venkat Rao, learned counsel for Shri Sanjeev Dhingra are being taken up. According to Shri Venket Rao, an application for registration of the project has been filed by Shri Sanjeev Dhingra. On checking the record it is found that a completed application for registration

of project is yet to be submitted before the Authority. Hard copy of the application along with supporting documents is yet to be submitted, therefore, their application is not yet complete for consideration by the Authority. At this stage therefore, it cannot be stated that an application for registration of project is pending consideration of the Authority. Their application will be considered as and when filed after completing requisite formalities.

The Authority also reiterates its views expressed on several previous occasions when locus standi of Shri Sanjeev Dhingra as being authorised representative of the respondent company was questioned. No additional fact has been placed before the Authority till today to show that the respondent company has duly constituted Board of Directors and that Board of Directors has properly authorised Shri Sanjeev Dhingra to pursue their application for registration of the project or to represent on behalf of the company in these complaints.

The Authority also observes that in furtherance of the previous orders of the Authority Shri Sanjeev Dhingra has not been able to exhibit any seriousness for completion of the project as he has failed to arrange any money for the purpose.



(ii) Next, the Authority would deal with the question of law posed by Shri Venkat Rao that the Authority will have jurisdiction to hand over a project to the Association of allottees only after cancellation of the registration and not before that. The Authority reiterates its views expressed on several occasions that in an ongoing project where promoter fails to get the project registered or fails to complete or severely defaults in their obligations towards allottees and the project, such projects shall be treated equivalent to a project of which the registration has been cancelled for the reason of failure to discharge the obligations cast upon the promoters. Admittedly, this project is languishing for the last more than ten years. Not even a properly constituted Board of Directors exists to manage affairs of the company. The construction has stopped for many years and virtually there is nobody available for re-commencing construction works. The project in such situations would qualify to be handed over to the Association of allottees under section 8 of the REAL ESTATE (REGULATION AND DEVELOPMENT) ACT, 2016 for completing at their own level. The Authority would be more than pleased if the promoters comes forward and completes the project but for that purpose they have to put in the money already collected from the allottees in the escrow account of the project. In the



current case lawful promoter of the project is not before the Authority. For these reasons the Authority considers that the objections raised by learned counsel Shri Venkat Rao are not sustainable. The Authority will be well within its jurisdiction to continue the process of exploring possibility to hand over the project to the Association of allottees.

(iii) Next the Authority would deal with the submissions made by Shri Rakesh Hooda and others on behalf of the five Associations who wish to take over the project and have expressed that they have objection in handing over of the project to Shri Sanjeev Dhingra.

The Authority orders that representative body of all the Associations should prepare a tender document for the external services to be laid in the project with the help of engineering experts on the subject. Rough cost estimates of the services to be laid should be prepared. After preparation of the documents and rough cost estimates approval of general body of the Associations should be obtained. Thereafter, bids should be invited for carrying out requisite works. For inviting bids, tender notice in the newspapers in circulation in the area should be issued. The bids, however, should not be finalised at their own level. Bids should be finalised only after getting approval of this Authority.



Similarly, each individual Association may prepare their tender documents for completion of internal works of the towers. Tender notices should be issued by them in respect of the individual towers and bids should be invited. A comparative chart of the bids should be prepared and lowest bidder should be identified for awarding work. The bids however, should not be finalised without getting them approved from this Authority.

(iv) Associations of the individual towers should ensure that before finalising bids at least 25% of the amount required to be invested in each tower is collected from the allottees and put into the dedicated account so as to ensure that work once awarded to executing agency/contractor should continue at even pace.

(v) Coming to the submissions made by Shri Rajan Hans, Advocate, learned counsel for the Sub-urban residential Association, his statement that they wish to get the project completed through the respondent company/Shri Sanjeev Dhingra amounts to saying that the residents of Sub-urban tower wishes to enter into an out of court settlement, therefore, this statement amounts to a request for disposal of the complaint filed by Sub-urban Association as having been settled. Shri Rajan Hans, learned counsel however, stated that this matter may not be



disposed of today. Instead it should be kept pending till the next date for appropriate orders. His request is accepted.

(vi) Regarding the request made by Shri Rakesh Hooda that Shri Sanjeev Dhingra or his representative should be asked not to obstruct entry of members of the Association who wish to access the site of the project for carrying out survey etc. for preparation of an estimate for completion of the project, the Authority orders that all the Associations are free to access the site. Shri Sanjeev Dhingra or his representatives shall not obstruct any allottee or members of the Association from visiting the site or from carrying out survey activities.

(vii) At this stage the Authority cannot allow Shri Sanjeev Dhingra to use the materials lying at the site for use for completion of Sub-urban tower. Shri Sanjeev Dhingra is yet to establish his locus standi as a promoter of the project. The status-quo in respect of the materials shall be maintained. The Authority will pass appropriate orders in this regard in due course of time.

(viii) The Authority had made publication in two newspapers on 04.09.2019 as per order dated 14.08.2019, costing Rs. 28,649/- vide which the Association allottees were invited to form Associations for taking over the project. This cost shall be



borne by the respondent company and this amount will be recoverable from them in due course of time.

3. Adjourned to 26.05.2021



RAJAN GUPTA
[CHAIRMAN]



ANIL KUMAR PANWAR
[MEMBER]



DILBAG SINGH SIHAG
[MEMBER]