



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

1. COMPLAINT NO. 2617 OF 2019

Flat Buyers Welfare Association Gemini
Grove Duplex REGD Sector Eighty Faridabad

....COMPLAINANT

VERSUS

Dhingra Jardine Infrastructure Pvt Ltd.

....RESPONDENT

2. COMPLAINT NO. 3062 OF 2019

Flat Buyers Welfare Association
Blue Solitaire Tower C

....COMPLAINANT

VERSUS

Dhingra Jardine Infrastructure Pvt Ltd.

....RESPONDENT

3. COMPLAINT NO. 3134 OF 2019

Gloria Welfare Association

....COMPLAINANT

VERSUS

Dhingra Jardine Infrastructure Pvt Ltd.

....RESPONDENT

4. COMPLAINT NO. 506 OF 2020

Flat Buyers Welfare Association
Solitaire Tower D

....COMPLAINANT

VERSUS

Dhingra Jardine Infrastructure Pvt Ltd.

....RESPONDENT

5. COMPLAINT NO. 71 OF 2020

Tower E California Country Buyers
Association Sector Eighty Faridabad

....COMPLAINANT

VERSUS

Dhingra Jardine Infrastructure Pvt Ltd.

....RESPONDENT

6. COMPLAINT NO. 2169 OF 2023

Dhingra Jardine Suburban Resident
Welfare Association

....COMPLAINANT

VERSUS

Dhingra Jardine Infrastructure Pvt Ltd.

....RESPONDENT

CORAM:

Parneet S Sachdev

Chairman

Nadim Akhtar

Member

Dr. Geeta Rathee Singh

Member

Chander Shekhar

Member

Date of Hearing: 18.01.2024

Hearing: 2nd in Complaint No. 2169 of 2023

20th in Complaint no. 2169 of 2019

19th in Complaint no. 3062 of 2019

18th in Complaint no. 3134 of 2019

16th in Complaint no. 506 of 2020

17th in Complaint no. 71 of 2020

Present:

Mr. Sushil K Singh, Representative of Complainant
(in Complaint no. 2169 of 2023)

Mr. Shobhit Phutela, Counsel for the complainant
(in Complaint no. 2617/2019, 3062/2019 and 71/2020)



Ms Maninee, Proxy Counsel for the complainant
(in Complaint no. 3134 of 2019)

Mr. Anil Chopra, Representative of the Complainant
(in Complaint no. 3134 of 2019)

None for complainant
(in Complaint no. 506 of 2020)

None for respondent.

ORDER: (PARNEET S SACHDEV - CHAIRMAN)

1. These cases were listed for hearing on 12.12.2023. However, due to the constitution of benches, cases are being taken up today for hearing.
2. Captioned complaints have been taken up together as they pertain to same project of the respondent namely, 'California Country' situated at Sector 80, Faridabad. Complainants in captioned complaints are associations of different towers/buildings of the project in question who had approached the Authority for completion of remaining construction and development works in the project. Through orders of the Authority passed on various dates these associations have taken up their respective Towers for completion of internal works at their own level. Detailed direction has already been issued to these associations regarding their mode of functioning. Thereafter all six associations namely- Flat Buyers Welfare Association Gemini Grove, Flat Buyer Association Blue Solitaire Tower C, Tower D, Tower E, Gloria Welfare Association and Suburban Floors came together to form the federation in the name of "RWA of California Country, Sector 80, Faridabad" for carrying out external services. The external works in the said project are



being carried out under the monitoring of the Authority. Today, representative/counsel of the respective associations apprised the Authority with regard to the developments at the site.

3. Mr. Sushil K Singh, President of Suburban Resident Welfare Association submitted before the Authority that the complainant association had previously filed Complaint bearing no. 2694 of 2019 seeking handover of possession to complete remaining works. During pendency of said complaint, complainant association had concluded to complete the remaining development works in association with the respondent company and accordingly Complaint no. 2694 of 2019 had been disposed of. However, by the month of January 2022 since no effective work had been done on the part of the respondent builder, complainant association had itself undertaken construction of their building/floors at their own level. Now after undertaking the completion of works, Suburban Resident welfare Association has approached the Authority seeking hand over of possession of Suburban Floors and to become a part of the federation of association

Mr. Sushil K Singh further apprised the Authority that the association has wholly completed internal works with regard to Suburban floors. Now with regard to completion of external works and getting occupation certificate, the members of the association wish to become a part of the federation. The members of the complainant association have made the



maximum payment towards construction of the projects. Complainant association was directed to make payment of approximately Rs 50 Lakh to the federation for completion of external development. Out of said amount, the association has collected Rs 34 lakh till date and are further hopeful to collect remaining amount once the Suburbian Floor has been officially handed over to the association. Therefore, he requested the Authority that the prayer of the complainant association may be allowed and Suburbian Floors be handed over to Suburbian Resident Welfare Association.

4. Mr. Shobhit Phutela, learned counsel for complainant association Gemini Grove, Tower C and E submitted that the internal construction works are being carried out at the site and significant progress has already been made. He further submitted that the federation has yet to begin carrying out of external development works at the site. Payments towards the same are being arranged by the respective associations. He sought time to file latest report on status of construction works and details of the amount collected from respective associations. With regard to the request of the Suburbian Resident Welfare Association, he submitted that the remaining associations have no objection towards this request. However, he apprised the Authority that with different associations coming together arrangement and allocation of funds will pose a problem for the working of the federation as various member association have made payments at different levels which have already been



arbitrarily utilised by the respondent builder. Therefore, there is no certain way to quantify the proportion of the payments to be made or reimbursed amongst these associations.

5. Ms. Maninee, proxy counsel appearing on behalf of Gloria Welfare Association sought adjournment as the arguing counsel was unable to attend the proceedings. Further, Mr Anil Chopra, representative of Gloria Welfare Association submitted before the Authority the internal works of Tower-F/Gloria have only been 50 % completed. Most of the payments had been made by the members of the association to the respondent builder which had been invested elsewhere leaving a deficit for the complainant association. He prayed that the unsold inventory of the project be handed over to the association for arrangement of further funds for completion of the internal services. In this regard an application for the unsold inventory had been submitted by complainant association in the registry.

Mr. Shobhit Phutela, learned counsel sought time to respond to the request of Gloria Welfare Association . He prayed that a copy of the application be supplied to him. Complainant in Complaint no. 3134 of 2019 is directed to provide a copy of said application to other association/complainants before the next date. Remaining associations are at liberty to file objections/submissions if any to the application filed by Gloria Welfare Association before next date.



6. In view of the submissions recorded in preceding paragraphs, Authority deems it appropriate to handover the Suburbian Floors to Suburbian Resident Welfare Association for internal works. The association shall comply with the previous directions issued by Authority in respect of the hand over of respective towers. Suburbian Resident Welfare Association is further granted permission to become a part of the federation in the name of "RWA of California Country, Sector 80, Faridabad" for carrying out external services. The federation will expedite recovery of the amount from the members/allottees to complete external development works at the site. Further, the federation shall submit a detailed report in regard to the details of amount collected from respective association-members and status and action plan for completion of external works in the registry latest by 01.03.2024.
7. With regard to the request of Mr. Anil Chopra, Gloria Welfare Association, Authority prima facie observes that it cannot allow handover of unsold inventory to any respective association at this point of time. All the associations are directed to discuss the issue regarding unsold inventory and proportionate share of funds from respective member-associations in a meeting of the federation and apprise the Authority of their decision on next date. Thereafter, Authority shall deem it appropriate to record any observation in this regard.

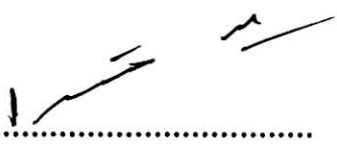


8. With these directions, cases are adjourned to 14.03.2024.


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CHANDER SHEKHAR
[MEMBER]


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DR. GEETA RATHEE SINGH
[MEMBER]


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NADIM AKHTAR
[MEMBER]


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PARNEET S SACHDEV
[CHAIRMAN]