



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

Dilbag Singh Sihag

Member

Date of Hearing: 23.12.2020

Hearing: : 4th in COMPLAINT NO. 506 OF 2020

5th in COMPLAINT NO. 71 OF 2020

5th in COMPLAINT NO. 3134 OF 2019

6th in COMPLAINT NO. 3062 OF 2019

7th in COMPLAINT NO. 2694 OF 2019

7th in COMPLAINT NO. 2617 OF 2019

8th in COMPLAINT NO. 2236 OF 2019

8th in COMPLAINT NO. 614 OF 2019

Present: - Mr. Jagdish Ratra, President of the Association through VC.

(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 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, Vinod Kumar Malik (General Secretary of Association of Tower C), Mr. Mukesh Khanduja (General Secretary of Association of Gemini Grove)

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

Mr. P.P. Gupta, Ld. Counsel for the Complainant along with Mr. Rakesh Punjani through VC & Vijay Anand in person 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. through VC.

Mr. Sanjeev Dhingra, shareholder of Dhingra Jardine Infrastructure Pvt. Ltd.

Mr. Dharam Bir Bhargav, Ld. Counsel for Mr. Manveer Singh Oberoi.

ORDER (DILBAG SINGH SIHAG-MEMBER)

1. While perusing the case file, it is revealed that on the last date of hearing dated 03.12.2020, complainants' Associations had informed Authority that total cost of external infrastructural facilities stands reduced to approximately Rs. 15 crores from 22.90 crores if cost of construction of EWS block and Club building are excluded. All Associations had in principle agreed to pay the amount apportioned to respective Association for development of infrastructural services.

2

Today, Mr. Shobit Phutela, learned counsel, on behalf of complainant associations of Tower Gemini Grove and Tower C, stated that as per recalculation after exclusion of cost of construction of EWS block and Club building, estimated total amount requires for development of external services comes to Rs. 14.37 crores, out of which proportionate share of different Towers are given in following table:

S. no.	Tower	Complaint No.	Proportionate share towards expenditure on external services (in crores) after exclusion of cost of development of EWS building and Club building
1.	Suburbian	2694-2019	1.97
2.	Blue Solitaire /Tower C	3062-2019	3.15
3.	Tower D	506-2020	2.82
4.	Tower E	71-2020	2.82
5.	Gloria /Tower F	3134-2019	1.65
6.	Gemini / Tower G	2617-2019	1.91
7.	Total		14.32

2. On the other hand, Mr. Vivek Sethi, learned counsel appeared (through VC) along with Mr. Sanjeev Dhingra, appearing in person, Shareholder of the respondent company, submitted that respondent promoter is now ready to complete the project and may allow to start his pending construction work. Mr. Sanjeev Dhingra stated that he wished to complete the project. He further informed the Authority that one of the Association has already agreed to pay him an amount of Rs. 5 crores for completion of their part of the project. He also showed a document in this regard to support his claim. He elaborated in his submissions that approximately, an amount of

Rs.30 crores is recoverable from the allottees of the project and an amount of 22 crores is required to complete the entire project out of which 12 crores are required for laying out of external services. Authority asked him whether he has deposited any amount in escrow account to support his pleadings, his counsel Mr. Vivek Sethi stated that they should be allowed time to arrange funds and deposit the same in the escrow account. He further stated that they have also initiated process to get their license renewed from the department of Town & Country Planning and also will submit their application for registration of the project with the Authority. Mr. Sanjeev Dhingra, stated in support of his counsel that he is ready to start construction work in the project and requested Authority to grant him permission to start the same. He further pleaded that handing over the project to various Associations will not be right course of action because many Associations involved in completion of the project will adversely affect the construction quality and ultimately allottees would suffer in the last. Besides, a number of approvals are required from various departments/ authorities at the time of seeking Occupation Certificate. To sum up, he is of the view that Authority must appreciate his honest efforts in completion of the project and let him complete the same under regular monitoring of the Authority and representatives of the allottees as well.

After hearing all parties, Authority is of the opinion that in case, allottees trust respondent promoter as their legitimate promoter and give their consent to him to complete the project, then Authority has no reservation at

all to let the respondent promoter complete his project. Rather, it would be the best option to get the project completed by the promoter himself. But promoter respondent has to prove his credential and show his financial arrangement in this regard as follows:

- i. Firstly, he shall establish his locus standi as promoter i.e. Dhingra Jardine Infrastructure Pvt. Ltd. to complete the project and he is authorised by a lawfully constituted Board of Directors to undertake that he is authorised to manage and administer the affairs of the company by way of a resolution.
- ii. Thereafter, he shall file an application for registration with the Authority stating therein the financial arrangement, total cost estimate for completion of the project especially highlighting Tower-wise cost and cost of completion of external and internal services, details of amount received from all the allottees till date, outstanding dues from each allottee, arrangement of finance including loans if any, to be used for completion of the project, sources of such financial arrangement, detail of amount receivable and payable to each allottee, scheduled date of completion of project with supporting external as well as internal services and monthly action plan to complete the same etc.



- iii. He shall also deposit 25% of the total cost of completion of the project in the escrow account to be utilized exclusively for construction work of the project in order to espouse confidence of allottees including complainant Associations as well as Authority.
- iv. He may also call a meeting of all the allottees before next date of hearing to seek their consent for completion of the project and payment of outstanding dues to be recovered from various allottees. He shall file minutes of such meeting before Authority the next date of hearing.

All aforesaid conditions and documents are required to be fulfilled by submitting a project report duly prepared by practising chartered accountant as Authority had repeatedly observed in its previous orders that since majority of the allottees have lost confidence and faith in respondent promoter, credibility of respondent promoter Mr. Sanjeev Dhingra in the eyes of allottees and Authority is not upto their satisfaction, ~~So~~ before accepting his request, he has to prove his sincerity, credential and finances available to him for completion of the project. So a detailed project report duly prepared by practising chartered accountant be submitted highlighting all the relevant financial arrangement, available funds as evidence of his intention to complete the project in a time bound manner. In case, Mr. Sanjeev Dhingra is able to arrange adequate funds required for completing

the project, then Authority would like to get the project completed by respondent promoter rather handing over different Towers to various Associations of the allottees as he is the one who is liable to complete various formalities and obtain necessary permissions and approvals required for renewal of licence and occupation certificate before handover of possession of units to his allottees. Authority further observed that handing over the project to the allottees' Associations is the last resort and further observes that fair opportunity may be given to the promoter first to complete the project as he has the legitimate right to complete his project So, let him prove his honest efforts, capability and requisite finances. There would be a win win situation for everyone. In the absence of honest efforts and arrangements of funds by the respondent promoter, Authority will continue to explore other possibilities of completion of the project including handing over the project to the Associations of allottees in accordance with the provisions of Section 8 of the RERA Act.

3. So, Authority further observes and directs as follows to ascertain the credential of various allottees' Associations:

- (i) All the Associations shall file their respective affidavits stating exact cost apportioned to them and their consensus over the reapportionment of the cost of external services for each tower excluding cost for development of EWS and Club and other community buildings before the next date of hearing. All the

Associations are also expected to cooperate with each other in order to ensure handing over of possession of units to the allottees and revival of the project.

(ii) Each of the associations shall collect atleast 25% of the cost apportioned to them from their respective members for laying external infrastructure and put the same in the Escrow account of the respective associations. All the Associations shall file their respective affidavit mentioning the amount deposited in escrow account till date by their respective members for development of external services as per their apportioned share.

(iii) All the members of the Associations should submit an affidavit, inter-alia, stating therein total cost of the apartment as agreed to with promoter including the cost of external development charges, taxes, statutory dues etc.; total amount already paid; and total amount paid by them and outstanding dues, if any. Further, each member should commit in the affidavit to pay the balance payable amount and additional amount required for completing the project in all respect including infrastructure facilities to the Association.

(iv) Each association shall also submit estimates of cost likely to be incurred for completion of their respective towers other than the cost of infrastructure in a tabulated form. Each association

shall file the cost apportioned to each allottee for completing internal construction works of their respective towers, likely cost of completion of the apartments and the sources of the funds for meeting said expenditure on or before the next date of hearing. Each association shall deposit in their separate accounts atleast 25% of the cost apportioned to each allottee for completion of construction of their respective apartments and tower from their members and also file their respective affidavit mentioning the amount so collected till the next date of hearing.

(v) All the associations are directed to file in a tabulated form, details of amount deposited by each tower in their respective escrow account of individual towers till date on the next date of hearing.

(vi) Each Association shall also file the modalities of awarding the construction works to the suitable construction agency for completion of the apartments.

4. Today, Shri Rajan Hans, learned counsel for the complainants for the Sub-Urbian Tower, in complaint No.2694 of 2019, again stated that allottee of sub-urbian tower should be handed over their part of project immediately and should not be asked to wait for completion of the project since majority of allottees of this Tower had taken possession of their units

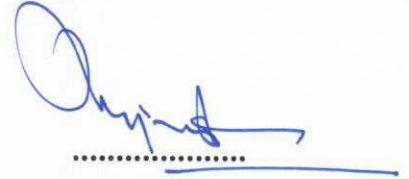
and major works pertaining to their tower stood completed. Authority reiterated its observations on the issue passed vide order dated 03.12.2020, 02.09.2020 & 25.02.2020 while dismissing his plea.

Authority is of the opinion that all the Associations will have to work in cohesion to enable speedy completion of the project. Authority, reiterated that till the larger issue of arrangement and apportionment of funds for development of external and internal services and completion of Towers are not sorted out by the Associations amongst themselves, Authority is not inclined to handover the project. Once, funds for completion of both external and internal work are arranged and deposited by each complainant Association in their respective accounts, then each tower will be allowed to use these funds for both internal as well as external development. Till then, Authority will not be in a position to handover individual Towers to the complainant Associations. Therefore, request made by the learned counsel thus cannot be acceded at this stage.

5. Today, Mr. Dharam Bir Bhargav, has appeared for Mr. Manveer Singh Oberoi. He stated that he has received dasti notice only yesterday, therefore he sought some time to file his reply to application for production of documents of project filed by the Mr. Sanjeev Dhingra.



6. With above directions the matter is adjourned to 09.02.2021.



RAJAN GUPTA
[CHAIRMAN]



DILBAG SINGH SIHAG
[MEMBER]

