



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 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 WelfareCOMPLAINANT

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 Panwar

....COMPLAINANT

VERSUS

Dhingra Jardine Infrastructure Pvt. Ltd.

....RESPONDENT

6. COMPLAINT NO. 71 OF 2020

Tower E California Country Buyers Association
Sector 80, Faridabad

....COMPLAINANT/S

VERSUS

Dhingra Jardine Infrastructure Pvt. Ltd.

....RESPONDENT

7. COMPLAINT NO. 506 OF 2020

Tower D California Country Buyers Association
Sector 80, Faridabad

....COMPLAINANT/S

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
Anil Kumar Panwar
Dilbag Singh Sihag

Chairman
Member
Member

Date of Hearing: 28.09.2021



Hearing: : 8th in COMPLAINT NO. 506 OF 2020
9th in COMPLAINT NO. 71 OF 2020
9th in COMPLAINT NO. 3134 OF 2019
10th in COMPLAINT NO. 3062 OF 2019
11th in COMPLAINT NO. 2694 OF 2019
11th in COMPLAINT NO. 2617 OF 2019
12th in COMPLAINT NO. 2236 OF 2019
12th in COMPLAINT NO. 614 OF 2019

Present: - Mr. Ashutosh Bhattacharya, for the Complainant through VC.
(in Complaint No. 71 of 2020)
Mr. Rakesh Hooda, Ld. Counsel for the Complainant.
(in Complaint No. 506 of 2020).
None for the complainant in Complaint No. 2236 & 614 of 2019
None for the Complainant. (in Complaint No. 2694 of 2019)
Mr. Shobit Phutela and Mr. Shubhnit Hans, 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 and Mr. Shubhnit Hans, Ld. Counsel for the
Complainants through VC along with Mr. Anand Kumar Jain,
Treasurer and Mr. Mukesh Khanduja, General Secretary of
Complainant Association (in Complaint No. 2617 of 2019)
Mr. Anil Chopra, President 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..
Mr. Sanjeev Dhingra, shareholder of Dhingra Jardine
Infrastructure Pvt. Ltd.

ORDER (RAJAN GUPTA-CHAIRMAN)

1. In furtherance of previous order dated 12.08.2021, Authority sought information from both parties regarding steps taken for completion of the project.



2. Mr. Vivek Sethi and Mr. Sanjeev Dhingra stated that in addition to the Association of Sub-urban tower, Association of Tower E has also consented to get their tower completed from the respondent company. Learned counsel stated that they need some more time to hold meetings with other complainant associations to convince them to allow Mr. Sanjeev Dhingra to complete the project. This approach will be in the interest of all parties including allottees.

Mr. Vivek Sethi, learned counsel also raised objection qua legal authority of Mr. Rakesh Hooda, counsel for complainant Association of Tower-D to speak on behalf of all other associations. He argued that Mr. Rakesh Hooda, does not have any authorisation to represent or speak for rest of the Associations.

3. Learned counsel for Tower D Association, Mr. Rakesh Hooda, stated that he has been authorised by Associations of Tower-D, Gloria, Gemini & Tower C (Blue Solitaire) to speak on their behalf. He undertakes to file documents of such authorisations before the next date of hearing.

He apprised the Authority of progress made by Complainant Associations towards taking over and completion of the project. He stated that as per estimates prepared by their architect approximately Rs. 14.32 crores are required to complete common external infrastructure. Further, about 9.53 crores come to the share of four towers i.e. Tower-D, Gloria, Gemini & Tower C (Blue Solitaire) for completion of external services excluding the cost of



development of EWS building and Club building. He stated that allottees of these four complainant Associations have deposited about Rs. 4.0 crores in escrow accounts of respective Associations for laying external infrastructure as well as for completion of internal construction works of the Towers. He stated that due to repeated interjections by Mr. Sanjeev Dhingra against taking over of projects for their completion by the Associations, large number of allottees despite their affidavits to contribute their share have not yet deposited remaining due amounts. They are willing to deposit the same after the Authority allows the Associations to takeover and complete the project at their level. Sh. Hooda requested the Authority to allow four Associations of Tower-D, Gloria, Gemini & Tower C (Blue Solitaire) to takeover and complete the project.

Shri Hooda further apprised the Authority that they have shortlisted 4 contractors for carrying out external development works. They have received bids for completion of external work, excluding electrical works, of which estimates range from 10.50 crores to 11.50 crores. As per advice of the architect, separate tenders for external electrical works will be issued. About Rs. 3.5 crores has been estimated as cost of completion of electrical works. He requested the Authority to direct Associations of Sub-urban and Tower E to deposit their share of external development cost amounting to Rs. 4.79 crores to enable them to start external development



work. He stated that he will file all requisite documents/ information along with written submissions on the next date of hearing.

4. Mr. Shobit Phutela, learned counsel for complainant associations of Towers Gemini Grove, and Tower D, stated that Mr. Sanjeev Dhingra representative of respondent company has failed to deposit any amount for completion of the project and has failed to espouse confidence of allottees. The Complainant Associations have been making sincere efforts to complete the project and faithfully following the directions given to them by this Authority. In view of the fact that Associations have travelled so far under the guidance of Authority, now they should be handed over the project for its speedy completion.

5. Representatives of various Associations also stated that despite repeated orders dated 16.03.2021 & 12.08.2021 passed by the Authority directing Mr. Sanjeev Dhingra to allow entry to allottees and members of the Association or their representatives for visiting the site for carrying out survey activities etc., Mr. Sanjeev Dhingra and his employees are continuing to obstruct them from visiting the site. They requested to direct Mr. Sanjeev Dhingra to allow entry to allottees and office bearers of the Associations or their representatives for carrying out bonafide survey activities etc. for completion of the project in furtherance of orders of the Authority.

6. Responding to aforesaid allegation, Mr. Vivek Sethi learned counsel for Mr. Sanjeev Dhingra stated that in compliance of order dated

12.08.2021, they have installed cameras at entry & exist points of the project. In order to ensure safety of about 150 families residing in the project, he requested the Authority to direct office bearers/allottees desirous of visiting the project to show a copy of relevant page of their builder Buyer Agreement bearing their name and allotted unit to the guards before entering the project. With such documents presented they will be allowed to visit the site.

Authority directs Mr. Sanjeev Dhingra to allow entry to allottees/ authorised representative of Associations/ office bearers along with architect/consultants etc. to visit project site for carrying out survey etc. or for other bonafide purposes. Such person/s as may show copy of Builder Buyer Agreement bearing their name and allotted unit should be allowed to enter the project.

7. Mr. Ashutosh Bhattacharya, appearing on behalf of Complainant Association of Tower E, stated that as per his instructions, Association of Tower-E has established liaison with Mr. Sanjeev Dhingra and it would like to get their part of the project completed through Mr. Sanjeev dhingra. He stated that he may be given some time to confirm that Association of Tower E does not wish to get its tower completed by being a part of group of Associations of rest of four towers.

Mr. Vivek Sethi, learned counsel for Mr. Sanjeev Dhingra objected to his submissions on the ground that Mr. Ashutosh Bhattacharya has not placed on record any document showing his legal authority to represent

the Association Tower-E. Mr. Ashutosh Bhattacharya sought some time to place requisite authorisation on record.

2. In view of submissions made by various parties and their representatives, Authority tentatively observes as follows:

i. In view of the statement of Mr. Rajan Hans lernedd counsel for complainant in Complaint No. 2694 of 2019, as recorded in the order dated 16.03.2021, that Association of Sub-urban Tower has entered into an agreement with Mr. Sanjeev Dhingra and would like to get their part of the project completed through him and do not do not wish to get their part of the project completed by being a part of group of the Associations of rest of the towers, the Complaint No. 2694 of 2019 stands settled. This complaint no. 2694 of 2019 will be disposed off as settled on the next date of hearing subject to objection, if any from the complainant Association. However, in case the Association later again decides to join other Associations for completion of project, the Association will be at liberty to join them for completion of their part of the project by filing a fresh complaint.

However, the Association of sub-urban tower shall remain bound to pay their proportionate share towards cost of external services to the extent of Rs. 1.99 crores. In case

they fail to make payment of aforesaid amount, their part of external infrastructure may not be carried out till the said payment is deposited in the relevant escrow account.

ii. In view of statement of Mr. Ashutosh Bhattacharya, that Association of Tower-E has entered into an agreement with Mr. Sanjeev Dhingra and would like to get their part of project completed through him and do not wish to get their part of the project completed by being a part of group of Associations of rest of the towers, the Complaint No. 71 of 2020 also stands settled. Mr. Ashutosh Bhattacharya, is directed to file his authorisation letter on the next date of hearing. This complaint will be disposed of as settled on the next date of hearing subject to objection, if any from the complainant Association. However, in case the Association later again decides to join other Associations in future for completion of project, they will be at liberty to join them for completion of their part of the project by filing a fresh complaint.

Association for Tower-E shall pay their proportionate share towards cost of external services to the extent of Rs. 2.82 crores to other Associations for completion of external works. In case they fail to make payment of aforesaid amount, construction



of their part of external infrastructure may not be carried out till the said payment is made.

iii. In view of submissions of both parties, it is evident that despite several opportunities given to Mr. Sanjeev Dhingra, no concrete step has been taken by him till date to complete the project. Moreover, he has even failed to espouse confidence of all Associations in him. It seems that any further delay in handing over of the project to Associations will not only further delay completion of the project but will also demoralise the allottees who are working hard through their Associations, resulting in hesitation in making their contributions to their Associations for completion of the project. In such circumstances, Authority tentatively decides to hand over the project to Associations of Tower -D, Gloria, Gemini & Tower - C (Blue Solitaire) for completion remaining works.

9. The Authority further observes as follows:-

i. The group of four Associations together have decided to take over the project for completion of external services of the entire project and should submit the information relating to external services works of the project; (a) Proportionate share of each tower towards the cost of laying external services; (b) Amount already received from the Associations of respective



towers till date; (c) Details of amounts receivable from the Associations. Said information should be presented in a tabulated form as given below:-

Table

S. No	Tower	Total Cost of external works	Proportionate share of each tower towards external works	Amount received towards their share till date
1.				
2.				
3.				
4.				
5.				
6.				

It is understood that the Associations of four towers have jointly nominated an executive body comprised of representatives of each of the Associations for jointly undertaking the task of construction of external services. The name of such executive body along with the details of members as to which Association they belong to should also be placed on record.

ii. Whether the group of four Associations have opened a separate bank account for the purpose of laying external services should be informed to the Authority. The

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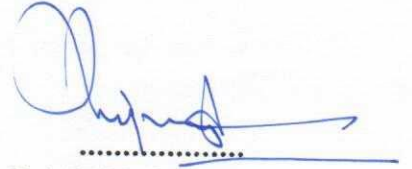
money received in such account so far and the expenditure incurred so far should also be intimated to the Authority.

iii. Each of the four individual Association will separately place before this Authority (a) the tower-wise cost of completion of internal services works of respective tower; (b) Proportionate contribution to be made by each allottee towards the total cost of completion of works; (c) Amount already received by the Association from each allottee and the balance amount to be received. This information should also be placed before the Authority in a tabulated form.

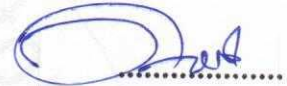
iv. The Authority considers that first of all respective Associations should complete internal works of their towers because when the apartments of the allottees would come near completion, they may be more comfortable to contribute their share for laying external services also. Each of the Association as well as group of Associations may consider this suggestion and submit their response.

10. All the Associations are directed to file relevant documents along with documents of their authorisation. They should make their submissions in writing with a copy given to opposite party at least one week before the next date of hearing.

11. Cases are adjourned to 10.11.2021.



RAJAN GUPTA
[CHAIRMAN]



ANIL KUMAR PANWAR
[MEMBER]



DILBAG SINGH SIHAG
[MEMBER]