



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

1. COMPLAINT NO. 559 OF 2018

GLM Buyers Welfare Association

....COMPLAINANT

VERSUS

1. Global Land Masters Infratech Pvt. Ltd. Erstwhile Bhoomi Infrastructure Company and Ors
2. Karman Raghu Patel
3. Sohal Navin Gala
4. Sunil Keshavji Gala
5. Mr. Suresh Ambavi Vavia
6. UHBVN

....RESPONDENT(S)

2. COMPLAINT NO. 1319 OF 2020

Bijender Singh

....COMPLAINANT

VERSUS

1. Bhoomi Green Infrastructure Co.
2. M/s GLM Infratech Pvt. Ltd.
3. Col. Surinder Singh Deswal

....RESPONDENT (S)

3. COMPLAINT NO. 1320 OF 2020

Punam

....COMPLAINANT

VERSUS

1. Bhoomi Green Infrastructure Co.
2. M/s GLM Infratech Pvt. Ltd.
3. Col. Surinder Singh Deswal

....RESPONDENT (S)

CORAM:	Parneet S Sachdev	Chairman
	Nadim Akhtar	Member
	Dr. Geeta Rathee Singh	Member
	Chander Shekhar	Member

Date of Hearing: 01.02.2024

Hearing: 34th in complaint no. 559/2018

27th in complaint nos. 1319,1320/2020

Present: Mr. B.K. Sood, Authorized representative of complainant association (in complaint no. 559/2018)

Sh. Surjeet Bhadu, counsel for respondent no.1 through VC (in complaint no. 559/2018)

None for respondent no. 2 to 4 (in complaint no. 559/2018)

Ms. Isha Goyal, counsel for respondent no. 5 (in complaint no. 559/2018)

Ms. Sonia Madan, counsel for respondent no. 6 through VC (in complaint no. 559/2018)

Ms. Sidhi Bansal, counsel for Piramal Capital and Housing Finance Ltd. (in complaint no. 559/2018)

Sh. Bijender, Complainant (in complaint no. 1319/2020)

Sh. Bijender, Representative for complainant (in complaint no. 1320/2020)

None for respondent no. 1 and 3 (in complaint nos. 1319, 1320/2020)

Sh. Surjeet Bhadu, counsel for respondent no.2 through VC (in complaint nos. 1319, 1320/2020)



ORDER: (PARNEET S SACHDEV-CHAIRMAN)

1. The project under reference in this complaint was handed over to the Association of allottees for completion at their own level vide order dated 18.05.2022. Authority is monitoring progress of the association on regular basis. Vide last order dated 22.11.023, certain directions were issued to the parties. In compliance to the same, the association has submitted its latest report by way of an application filed on 19.01.2024 in registry which is taken on record. The association has submitted following progress report:

- i. The outstanding payment due from association members is being cross checked with records of respondent no.1, which shows that there is a difference of 6 Cr to what respondent no.1 has stated on affidavit to be collected from 219 allottees. In figures, this directly reduces the amount from 68 Cr to 62 Cr to be collected from 219 allottees. Further, they submitted that the records of respondent needs approval from the Authority as there is every apprehension that records produced by respondents are not authentic.
- ii. With regard to application filed by respondent no.5, association had already filed their reply on 05.01.2024, stating that respondent no.5 is a partner cum co-promoter



since 2007 with respondent. Hence, is too equally responsible for failure of the project. Further, claim of respondent no.5 with respect to 36 flats out of which 24 flats are situated in four tower handed over to association for completion of pending construction and development work were allotted to him in the project in question for mere payment of ₹ 35,47,538/- as partner which is totally unjustified. Further, association stated that he can only be considered as an allottee, if he is ready to pay the cost of construction for 24 flats.

- iii. As directed vide last order dated 22.11.2023, 2 hydra cranes stands removed by respondent no.1 on 05.01.2024 from the area of four towers.
- iv. The Authority had directed respondent no.6, i.e., UHBVN to take appropriate action for providing temporary electricity connection for the project but same has not been complied with till date by respondent no.6.
- v. Further, President of Association is trying to hold the meeting with concerned members whom with, they will fix the selling rates of the flats. After finalizing the rates for flats same will be submitted before Authority for approval.



- vi. As per last order dated 22.11.2023, case was fixed for filing reply and arguments on application filed by Piramal Capital and Housing Finance Ltd. Association has stated that they were unable to file reply to the said application because the copy of the said application is not with them. Therefore, they requested the Authority to supply a copy of application.
- vii. Respondent no.1 was also directed to provide account ledger of all allottees which respondent has failed to provide to association till date.
- viii. Lastly, they stated that due to apprehensions of allottees that the project is going for liquidation before Hon'ble NCLT, members and non-members both are not willing to pay any outstanding amounts, due to which association is facing financial hardship. Therefore, association had to slow down the work of construction as there are no finance available with association to clear bills of construction. In view of critical funds situation, association requested the Authority to hand over the project for its completion to State Govt. under Section 8 of RERA Act 2016.



2. Association have further made certain prayers as listed below:

- i. To cancel the illegal allotted flats by respondent no.1, application for which is pending with Authority since Feb 2023.
- ii. The status of flats of partners and land owners should be decided to infuse funds either by partner allottees or by sale of these flats. Since retaining their dues on retirement by respondent no.1 is legally sole responsibility of respondent no.1.
- iii. Authority to clarify whether the association should accept or not accept the revised outstanding details submitted by respondent no.1 which show difference of Rs. 6 Cr as such anomalies in the books of accounts of a private company are not acceptable.
- iv. Appropriate action be initiated against respondent no.1 for not providing accounts ledger and against Superintending Engineer of UHBVN Panchkula for not taking any action even after direction passed by Authority for providing temporary electricity connection to association for construction work.



- v. Lastly, association prayed for use of power invested with Authority under Section 8 of RERA Act 2016 for directing State Govt. to take over project for its completion to safeguard interest of home buyers.
3. Further, Mr. B.K. Sood (representative of association of allottees) stated that respondent is creating hurdle in the way of association for completion of the project at their own level by making false statements before competent Authority. To corroborate his statement he produced a letter issued by DTCP, wherein an authorized representative of respondent no.1 had appeared before DTCP and had made statement that association has conveyed their failure to complete the project at their own level and had requested the respondent no.1 to again take over project for its completion. Further, Mr. B.K. Sood stated that none from the association has conveyed their inability to complete the towers handed over to them.
4. On the other hand, respondent no.1 has vehemently denied the situation put forth by association. Sh. Surjeet Bhadu, counsel for respondent no.1 made statement that no one had appeared before DTCP and never made such a statement against association. To prove, the part of respondent no.1, he offered to file an affidavit to this effect before Authority. Further,

he stated that application stands filed on 30.01.2024 in registry of Authority by respondent no.1 for placing on record additional documents as directed by Authority vide last order dated 23.11.2023. Respondent no.1 has placed on record copy of ledger details of all allottees. Further counsel for respondent no.1 stated that they had not received the copy of latest progress report filed by association which may be get provided as respondent no.1 wishes to file objections and true facts before Authority. He also stated that respondent no.1 is in some talks with two investors who are willing to complete the project but the talks are not finalized yet and for the same he seeks two months time from Authority to present the investors before Authority along with their proposed plans for completion of the project in question.

5. To, the statement given by respondent no.1, association also agreed to give project for its completion to investor to be presented by respondent no.1 but subject to specific time and appropriate proposal which will be duly approved by the Authority as they are also facing financial hardship in completion of project for the reasons already stated in para. 1 (viii) of this order. They also stated that respondent had earlier also given many such false assurance and had borrowed time from Authority. This time this should not be the propaganda of respondent no.1. To, this Sh. Surjeet Bhadu, counsel for respondent no.1 gave statement that every effort will



be done by respondent no.1 to conclude talks with both investors and present them within two months before Authority along with plan of action for completion of Project.

6. Ms. Isha Goyal, appeared for respondent no.5 and sought some time to file objections to the reply filed by association to their application.
7. Ms. Sonia Madan. appeared for respondent no. 6, UHBVN and stated that application has been drafted which is to be filed before HERC for expediting the process for grant of temporary electricity connection to be provided to association for construction work at site. She sought some more time to go through the process of application to be filed before HERC.
8. Ms. Sidhi Bansal, appeared for Piramal Capital and Housing Finance Ltd and stated that application was filed on 28.12.2023 in registry of Authority and copy of said application was duly supplied to the association as well. Although she agreed to supply copy of application again to association.
9. Sh. Bijender, complainant (in complaint no. 1319/2020) and representative for complainant (in complaint no. 1320/2020) requested the Authority to tag along both the captioned complaint nos.



1319,1319/2020 with present complaint because facts and grievances of both the complaints are more or less identical and relate to the same project of the respondent, "Amazon Defence County" which have been handed over to association of allottees for its completion of remaining construction and development work in complaint no. 559/2018. The fulcrum of the issue involved in both the cases pertains to failure on part of respondent promoter to deliver timely possession of flats in question. So, for better adjudication of both cases, these matters be clubbed along with main complaint no. 559 of 2018. Further, he referred to the last order passed by Authority in both complaints dated 15.01.2024, whereby Authority also stated that these matter are to be tagged along with the complaint no. 559/2018. Relevant portion of the said order is reproduced below:

"As per order dated 05.09.2023, Mr. Bijender Kumar, complainant in Complaint no. 1319 of 2020 stated that he wants to stick to the relief prayed by him, i.e., possession. Furthermore, complainant has joined the association namely "GLM Buyer Welfare Association" and is waiting for legally valid offer of possession. On perusal of files, Authority observed that Complaint no. 559 of 2018 titled as "GLM Buyer Welfare Association versus Global Land Masters Infratech Pvt. Ltd. pertains to similar subject matter. Therefore, Authority deems appropriate to club captioned complaint with complaint no. 559 of 2018 which is listed for hearing on 01.02.2024."

10. After hearing both parties and going through records available, Authority observes and orders as follows:



- i. Authority considering the present situation as stated by both the parties, is of the view that association as well as respondent no.1 are in the interest of completion of project, so, that the allottees/home buyers who had paid their hard earned money way back to respondent no.1 may get their dream homes at the earliest. Today, counsel for respondent no.1 made statement that respondent is making fair efforts to get investors for the project even he is in some talks with two investor who are ready to take project for its completion. Although talks are yet not finalized therefore, there details were not disclosed by respondent no.1 before Authority. Per contra association have also shown their difficulty being faced of financial hardship and somewhere agreed to the proposal given by respondent no.1 that investors may take project and get it completed at the earliest. But due to past bad conduct of respondent no.1, association requested the Authority to direct respondent no.1 to fulfill their proposal within a time bound manner and with a concrete proof of completion of project. To, this both party agreed to give two months time to respondent no.1 to get the talks with investors at final stage and present the investors before Authority along with proper plan of action for completion of the project in question. So, Authority decides to grant another opportunity to



respondent no.1 to get the investors finalized and present them before Authority along with plan of action for completion of project well before next date of hearing.

- ii. Further, taking into consideration past conduct of respondent no.1, Authority decides to issue letter to DTCP for presenting their views with regard to taking over of this project in question by the Government as its agencies. DTCP may file his response within four weeks to Authority. Office is directed to issue letter to DTCP for the same.
- iii. Further, respondent no.1 has complied with the directions issued vide last order dated 23.11.2023 as he had filed the details of account ledger of all allottees along with an application and also stated that hydra cranes were removed from the site for ease of association. But he has not specified the exact date for removal of said hydra cranes. As per order dated 13.09.2023, penalty of ₹ 1000/- per day was imposed upon respondent from date of uploading of the said order, i.e., 18.10.2023 till removal of cranes from site but respondent even after having specific direction have not removed the same. Therefore, vide last order dated 22.11.2023, penalty of ₹ 10, 000/- per day was imposed upon respondent no.1 with effect from 22.11.2023 till the date of removal of cranes from



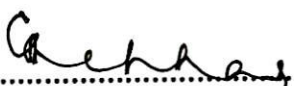
the site, which as per association is 05.01.2024. Accordingly, respondent is now directed to pay the total cost of ₹ 4,85,000/- within two weeks to the Authority.

- iv. Ms. Isha counsel for respondent no.5 sought some time to file rejoinder to reply filed by association to their application filed on 30.05.2023. Request is considered and allowed with a direction to file rejoinder within three weeks with advance copy supplied to opposite party.
- v. Further, request of Ms. Sonia Madan counsel for respondent no. 6 UHBVN for having some more time to through the process of application to be filed before HERC is allowed with a direction to file their latest report well before next date of hearing with advance copy supplied to opposite party. Further, concerned Superintending Engineer of UHBVN is directed to appear before Authority along with compliance report on next date of hearing.
- vi. Ms. Sidhi Bansal, appeared for Piramal Capital and Housing Finance Ltd is directed to supply copy of application to association within one week.
- vii. Association is also directed to collect copy of application filed by Piramal Capital and Housing Finance Ltd filed on 28.12.2023 from the registry of Authority and file their reply within three weeks



with advance copy supplied to opposite party. Association is also directed to supply copy of latest report filed by them to respondent no.1 within one week.

- viii. Lastly, for better adjudication of complaint no. 1319, 1320 of 2020. Said complaints are clubbed into complaint no. 559 of 2018.
11. With the aforesaid directions, case is adjourned to 04.04.2024.


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CHANDER SHEKHAR
[MEMBER]


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DR. GEETA RATHEE SINGH
[MEMBER]


.....
NADIM AKHTAR
[MEMBER]


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PARNEET S SACHDEV
[CHAIRMAN]