



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

1. COMPLAINT NO. 559 OF 2018

GLM Buyers Welfare Association

....COMPLAINANT

VERSUS

Global Land Masters Infratech Pvt. Ltd. erstwhile M/s Bhoomi Infrastructure Company

....RESPONDENT

2. COMPLAINT NO. 1373 OF 2018

Rajesh Sood

....COMPLAINANT

VERSUS

Global Land Masters Infratech Pvt. Ltd. erstwhile M/s Bhoomi Infrastructure Company

....RESPONDENT

3. COMPLAINT NO. 603 OF 2019

Narinder Kumar Gupta

....COMPLAINANT

VERSUS

Global Land Masters Infratech Pvt. Ltd. erstwhile M/s Bhoomi Infrastructure Company

....RESPONDENT

4. COMPLAINT NO. 613 OF 2019

Madhu Aggarwal

....COMPLAINANT

VERSUS

Global Land Masters Infratech Pvt. Ltd. erstwhile M/s Bhoomi Infrastructure Company

....RESPONDENT

5. COMPLAINT NO. 969 OF 2020

Just Build Infratech Pvt. Ltd.

....COMPLAINANT

VERSUS

Global Land Masters Infratech Pvt. Ltd. erstwhile M/s Bhoomi Infrastructure Company

....RESPONDENT

6. COMPLAINT NO. 1176 OF 2020

Tripta Sharma

....COMPLAINANT

VERSUS

Global Land Masters Infratech Pvt. Ltd. erstwhile M/s Bhoomi Infrastructure Company

....RESPONDENT

CORAM: Rajan Gupta

Chairman

Dilbag Singh Sihag

Member

Date of Hearing: 03.03.2022

Hearing: 24th (in complaint no. 559 of 2018)

21st (in complaint no. 1373 of 2018)

19th (in complaint no. 603, 613 of 2019)

10th (in complaint no. 969, 1176 of 2020)

Present: Mr. Ravi Sharma, ld. counsel for complainant association.

(In complaint no. 559 of 2018)

Mr. K.S. Saini, President of GLM Buyers Welfare Association.

Mr. Surjit Bhadu, ld. counsel for respondent through VC.

Mr. Karan Gaba, ld. counsel for complainant through VC.

(In complaint no. 969 of 2020)

Rajiv Garg, representative of respondent.

Mr. Kamal Jeet Dahiya, Id. Counsel for applicant sh. Sunil Kumar and Sudha Bala.

ORDER (DILBAG SINGH SIHAG- MEMBER)

1. While initiating his pleadings learned Counsel of the association sought attention of the Authority to its orders dated 29.09.2021, vide which Authority passed certain directions, the operative part of the orders read and is also reproduced below for reference:

“7... iv) It is understood that complainant association has got bills of quantities prepared from technical experts. The said bill of quantities has to be converted into tender notice/notices for inviting prospective bidders for undertaking construction works of the project. After inviting tenders, lowest bidders will be to be awarded contract/contracts. Authority advises the association to prepare proper tender documents in consultation with experts on the subject. The tender documents should be prepared in two parts, first part being technical bid, and second part financial bid. Financial bid of only those bidders should be opened who qualifies in the technical bid. Such tender notices and documents should be approved in the General Body Meeting of the allottees. Tenders should be opened and evaluated also before General Body of the allottees. Thereafter, request should be made to this Authority for allowing the Association to finally take over the project with a permission to award contracts for construction to suitable bidders.

v) Authority clarifies that before actually awarding tenders at least 25% of the total funds required for completion of the project should be collected and put into a dedicated account of the association. This is to ensure that once construction works begins, the same should go on smoothly.

Learned counsel further stated that association got the bid documents prepared by technical experts in compliance of abovementioned directions association.

Said bid documents were then presented before General Body Meeting of

allottees and the same were duly passed. Accordingly, those bid documents were converted into tenders, those tenders were published in three newspapers against which association received only one bid for the tender. Since association received only one bid, the governing body of the association decided to re-tender it again. Notice for re-tendering has already been published in three newspapers. Tenders will be received latest by 21.03.2022. Thereafter, on 27.03.2022 General Body Meeting will be called wherein financial bid will be opened and contractor will be shortlisted and will be presented before this Hon'ble Authority for approval. Association stated that we are taking all necessary steps to comply with the directions of this Authority and to start development works as soon as possible so this project can see the day of light.

2. On the other hand, respondent-promoter filed his reply on 03.02.2022 to application moved by association on 15.11.2021 for placing draft of bid documents on record. Respondent-promoter in his reply made following submissions:

- (i) Complainant association has supplied copies of 227 affidavits and Draft of Bid Documents to the respondent company on 02.12.2021. Major variations in contents of affidavit were observed as argued in the court proceedings also and they are not in consonance with the direction of the Hon'ble Authority, given vide para no 7 of orders dated



10.11.2020. Further, out of the submitted affidavits, 48 numbers of allottees are not members of GLM Buyers Welfare Association. They need to become member of Association before association can claim to be their legally authorised representative.

(ii) Bid documents presented by association lack technical specifications as no agency has carried out any survey of the site. There are no details of the BOQ mentioned in bid documents, in absence of which no bidder will be able to determine the exact & accurate expenditure, flow charts and work schedules.

(iii) Bid documents states completion time to be 24 months whereas respondent company apprised the Authority that it will need only 10-12 months and that extension of double time is not realistic and if allowed, it will increase the overall cost which will also the interest of all stakeholders including the respondent-promoter.

(iv) Complainant association has not complied with direction of this Authority vide order dated 17.11.2021 wherein complainant association was directed to place on record the orders by Registrar of Firms and Societies which appointed three members to conduct the elections of association.

3. Learned counsel for complainant while responding to the objections raised by respondent-promoter argued that Bid documents have been prepared

by technical experts after conducting the requisite survey of the site and it contains all the required specifications. Furthermore, they apprised the Authority that association has been duly registered with the Registrar of Firms and Societies and that they have already conducted the election of association in compliance of the order of Registrar.

4. Apart from above, Sh. Sunil Kumar, one of the members of the association submitted an application in the office of Authority on 15.12.2021 for seeking direction against GLM Buyers Welfare Association to rescind illegal and arbitrary demand of payment. Mr. Kamal Jeet Dahiya, learned counsel for the applicant appeared and stated that father of the applicant i.e., Mr. Jagdish Chander & Mrs. Sudha Bala had been allotted a residential unit no. 1504, Type A-1 situated at 15th floor of total area of 2085 sq. ft. vide allotment letter dated 05.11.2011 for total sale price of Rs. 38,00,000/-. Applicant has already made payment of Rs. 39,16,200/- against the unit allotted to him and no amount is pending except stamp duty, IBMS & others, if any, to be borne at the time of possession of the flat. But association has made further demand of 25% of total price vide email dated 07.12.2021, which is arbitrary and against the settled principles of law and natural justice. On perusing the application and demand letter via email, Authority is of the view that a similar mail has been sent to every allottee and no specific demand has been raised to the applicant. Therefore, Authority observes in this regard that



an allottee who has made full payment to the promoter against the unit allotted to him as per the buyer- buyer agreement he will not be liable to make any further payment except in one condition when every allottee is asked to make additional payment over and above their respective BSP for completion of project. In that scenario allottees would be liable to make any additional payment. In this regard, Sh. S.K. Saini clarified that it was a general letter addressed to all allottees. He further clarified that once an allottee made full payment as per the BBA he is not liable to make any further payment. Considering the clarification of Sh. Saini, application is disposed of.

5. Sh. S.K. Saini, President of GLM Buyers Welfare Association clarified that there is discrepancy with regards to the payment made by allottees to the respondent-promoter. Amount due on part of allottees mentioned in the affidavits is not corresponding with the data provided by the respondent-promoter.

6. After careful examination of respective submissions made by the rival parties, Authority observes and orders as follows: -

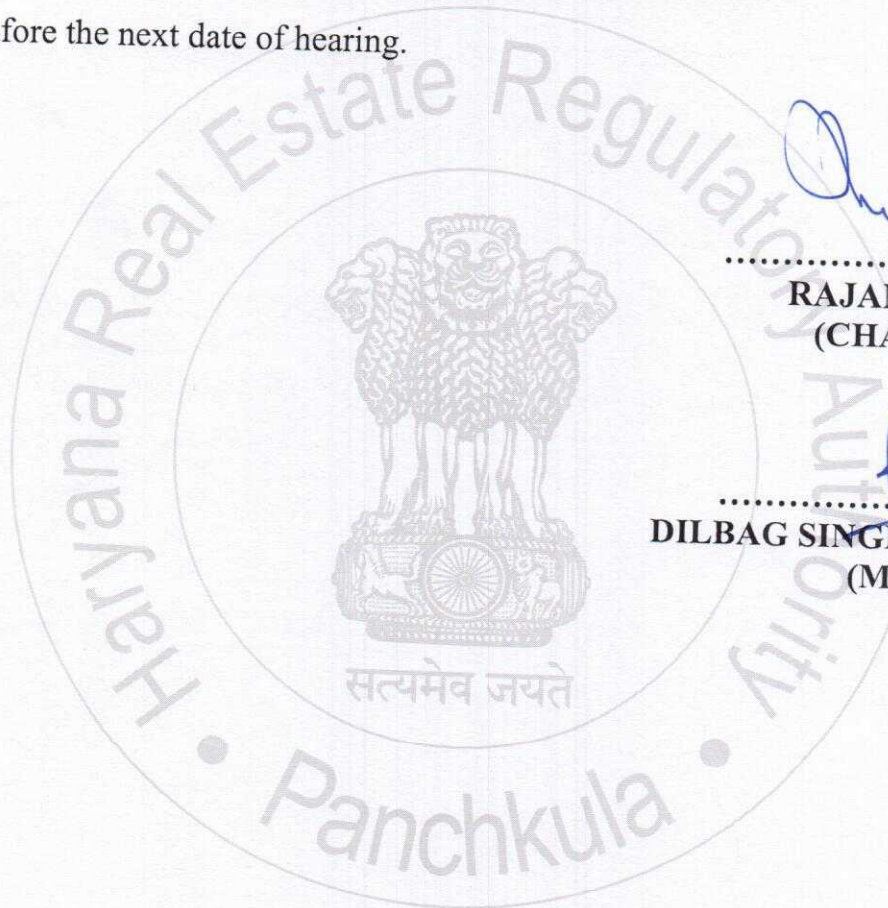
- i. Complainant association in compliance of the last order of the Authority has prepared tender document against which association received one bid, thereafter association re-tendered it. Fresh tenders are listed for 21.03.2022 and 27.03.2022. Authority directs the association to finalise the bid, take

approval from the respective governing body and general body and place it before this Authority for approval before awarding the contract.

- ii. Regarding the collection of funds required for completion of project, Authority observes that complainant association should prepare a plan of action to arrange 25% of the total funds required completion of the project, produce it before the Authority and assure the Authority that this money will be utilised only for the purpose of completion of project. Authority clarifies that decision in regards to handing over the project to association will be taken after being completely satisfied that association owns adequate resources and is capable of completing the project.
- iii. Pertaining to discrepancy in amount made by allottees, Authority directs complainant association to file an application in the office of authority mentioning the details of statement of accounts of each allottee reflecting the amount paid by the allottees to the promoter. Further, Complainant association is directed to comply with the order of Authority dated 17.11.2021 vide which association was directed to supply a copy of registration of Association.

iv. Authority observes that on the request of respondent-promoter, they are allowed to become non-voting member of association, participate in their proceedings and oversee it.

6. Case is adjourned to 19.04.2022. Respondent is also directed to comply with order dated 29.09.2021 wide which he was asked to pay Rs. 1,87,288 /- to Authority as expenses incurred for conducting forensic audit on or before the next date of hearing.



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RAJAN GUPTA
(CHAIRMAN)

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DILBAG SINGH SIHAG
(MEMBER)