



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 559 OF 2018

GLM Buyers Welfare Association

....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: 04.08.2022

Hearing: 26th

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

Mr. Shekhar Verma, Id. counsel for complainant.

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

Mr. Rajiv Garg, representative of Respondent.

ORDER (RAJAN GUPTA - CHAIRMAN)

1. Vide order dated 18.05.2022, Authority had handed over the project to Association of allottees for completion at their own level. Detailed guidelines were also given to all parties for taking further action in the matter. Said order

dated 18.05.2022 was uploaded on website portal of Authority on 30.05.2022. On 30.06.2022, after hearing arguments of both the parties, Authority had agreed with arguments of learned counsel for respondents that in terms of section 8 of RERA Act, orders of taking over of project by Association of allottees will come into force after 60 days of passing of such order.

2. Therefore, this matter was listed for today for monitoring progress after lapse of period of 60 days from date of uploading of order.

3. Sh. K. S. Saini, President of Association of allottees stated that respondent-company had filed an appeal before Hon'ble Tribunal which was listed for hearing today itself i.e., 04.08.2022. Shri Saini stated that Hon'ble Tribunal has refused to grant stay against the orders passed by this Authority for handing over the project to Association of allottees. Sh. Saini further stated that Hon'ble Tribunal has verbally observed that Association may go ahead and take over the possession of project for completion at their own level.

2. Sh. K. S. Saini, submitted a status report of the actions taken by them so far in furtherance of orders of Authority. He stated that they had approached Col. S. S. Deswal, Director of respondent-company to handover the project to the Association on 02.08.2022, vide their letter dated 30.07.2022. Sh. Saini stated that Sh. Deswal had asked the Association to come to them for the purpose on 05.08.2022.



3. Sh. Saini further stated that M/s Gawar Constructions Ltd., who has been engaged for carrying out construction work, has submitted a performance security in the form of bank guarantee of Rs.1,94,52,000/-. The Association has got verified authenticity of the bank guarantee from Axis bank. He also stated that Association has already collected Rs. 4.15 crores. He expressed hope that once construction starts, all allottees will join and pay out all outstanding dues.

4. Sh. Saini placed on record information regarding status of allottees. Concluding part of the status means that out of 432 + 4 apartments, 356 have been allotted to allottees; 50 have been allotted to the partners; 10 have been allotted to landowners; and there is unsold inventory of 16 flats. He also submitted information relating to matters pending before certain other courts like Civil Court, District Court and State Consumer Commission. Out of 252 traceable allottees, 265 have become members, which includes 13 allottees of Tower-A4 which is yet to be constructed. Affidavits of 230 allottees have been received.

5. Sh. Saini expressed hope that since Hon'ble Tribunal has not granted stay against the orders of Authority, now Association is not likely to face any problem. All allottees are likely to make payments and project will progress smoothly.

6. Sh. Surjeet Bhadu, learned counsel for respondent-company argued that it is correct that Hon'ble Tribunal has not granted stay. However, matter has been adjourned to 07.09.2022. Further, order in respect of today's proceedings is yet to be written and uploaded by Hon'ble Tribunal. He also stated that complainant-

Association has accepted before Hon'ble Tribunal that they will be entering into construction contract with M/s Gawar Constructions at their own risk and cost and all actions of complainant Association will be subject to outcome of proceedings pending before Hon'ble Appellate Tribunal. Sh. Bhadu, learned counsel, prayed that since matter is listed for hearing on 07.09.2022, no further action should be taken by Authority at this stage and the project may be allowed to be handed over only after final decision of Hon'ble Tribunal.

7) Sh. Shekhar Verma, learned counsel for complainant-Association stated that he has been re-engaged by the Association as their counsel and he has presented his power of attorney before Hon'ble Tribunal and had argued the matter today. He reiterated that Hon'ble Tribunal has categorically refused to grant stay against orders passed by the Authority. Since there is no stay, there is no reason for not implementing the orders dated 18.05.2022 passed by this Authority. He stated that respondents are unnecessarily trying to obstruct further action in the matter. He pressed for implementation of orders of handing over of project to complainant-Association.

8. Authority has gone through all the facts and circumstances of the matter. It observes and orders as follows: -

- i. Authority has already handed over the project to Association of allottees vide its order dated 18.05.2022. The order was uploaded on the website on 30.05.2022. Now as per provisions of Section-8

of RERA Act, said order has come into force w.e.f. 30.07.2022. By virtue of order dated 18.05.2022 of the Authority, handing over of the project to the Association of allottees has attained finality. This order cannot be reviewed, modified or amended by Authority. As per law, legally the project is already in the hands of complainant-Association for completion at their own level as per law.

ii. Fact of the matter is that Hon'ble Tribunal has not stayed orders of Authority. The order of Authority has now come into force after lapse of 60 days period. Authority accordingly orders respondents-company to hand over possession of the project to Association of allottees on 06.08.2022 at 11.00 a.m.

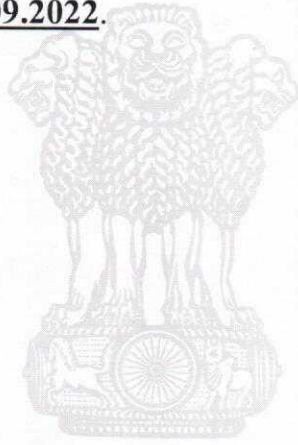
iii. Authority directs Deputy Commissioner, Panchkula and District Town Planner, Panchkula to depute a representative to oversee the process of handing over and taking over of the project from respondent-company to the complainant-Association. If representatives of Deputy Commissioner or District Town Planner, Panchkula are not able to join, it will not vitiate the process of taking over and handing over. Authority also directs Commissioner of Police, Panchkula to deploy adequate police force at the site at 11.00 a.m. on 6.8.2022 to ensure that no untoward incident would take place.

9

iv. Association of allottees shall constitute an appropriate committee for taking stock of inventories of machinery and equipment at the site. Respondents-company should depute its own representative also for associating themselves with taking over process of stocks and inventories.

9. Adjourned to 6.9.2022. If any hurdle is faced in taking over/handing over of project, Complainant-Association may approach this Authority for seeking further guidance of Authority.

Adjourned to 06.09.2022.



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RAJAN GUPTA
[CHAIRMAN]

DILBAG SINGH SIHAG
[MEMBER]