



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: Nadim Akhtar

Member

Geeta Singh Rathee

Member

Date of Hearing: 09.02.2023

Hearing: 29th

Present: Mr. B. K. Sood, authorized representative of GLM Buyers Welfare Association.

Mr. Surjit Badhu, ld. counsel for respondent.

ORDER (NADIM AKHTAR - MEMBER)

1. Authority vide its proceedings of the day dated 18.05.2022 had handed over the project in question "Amazon Defence County" of respondent situated in Sector 30, Panchkula to the association of allottees for completion of the remaining

works at its own level. Detailed guidelines were also issued with respect to further actions to be taken by the association of allottees. The Authority, with the view to ensure completion of the construction work within the stipulated timeline, after handing over the project to the association of allottees, closely monitors the progress of the project on periodic basis so that problems, if any, faced by the association or any other connected party could be addressed by Authority and objectives of law are achieved in letter and spirit. In the present case project was taken over by association of allottees on 06.08.2022. However, respondent had only handed over 4 towers and not the complete project as ordered by this Authority vide order dated 18.05.2022. Complaint-association of allottees vide application dated 17.08.2022, sought necessary directions against the respondent for proper compliance of order dated 18.05.2022 and also for handing over of the entire project. Vide order dated 07.09.2022, Authority observed that in exercise of powers vested upon it by Section 8 of the Real Estate (Regulation & Development) Act of 2016, complete project was handed over to the complainant association of allottees. Project was handed over to the Association of allottees on 18.10.2022. Vide last order dated 24.11.2022, Authority gave several direction. Relevant part of the order is reproduced below:

“6. Authority has gone through the submissions made by respective parties, as well as the status report filed by



association of allottees and the submissions made by learned counsel for respondents. It observes in exercise of its powers u/s 36 of the RERA Act of 2016 and orders as follows:

(i) First issue raised is with regard to taking over of entire project site and whether the office and another building taken over by the complainant-association on 18.10.2022 forms part of the project license. Mr. S. S. Deswal, M. D. of the respondent company stated in his application that the office of the respondent as well as another building that has been taken over is not located on the project land and is situated outside the project/license land. He has also appended approved zoning plan dated 21.07.2015 bearing drawing number No. 5225 issued by the Directorate of Town and Country Planning. On the other hand, the complainant association in its reply to the aforesaid application submitted that they have taken over the project as per the orders passed by this Hon'ble Authority. The possession of the entire project including the administrative offices is required for effective completion and execution of construction works by complainant association. Authority observes that the documents and zoning plan attached with the application by respondent does not clearly disclose whether the office and another building taken over by association forms part of project/license land or not. Therefore, Authority directs the office to make detailed reference, enclosing copies of document submitted by respondent and approved zoning plan duly showing the buildings in question to Director, Town and



Country Planning with request to get the same demarcated at site along with total licensed land of the project and determine whether the said buildings are part of licensed/project or not till the time the clarification is recovered from DTCP, both the complainant association and the respondent promoter shall have joint possession of the two buildings including the office of company. Both the parties may use these two building for effective discharge of their responsibilities, work and shall render full cooperation to each other.

(ii) Further, in reference to the order dated 07.09.2022 of this Authority, association of allottees approached DTCP to release project drawings to association of allottees but the same has not been released by the DTCP. DTCP Haryana is directed to release the project drawings so that association of allottees can progress with their construction activity without any delay.

(iii) As regards to the issue of notice display board placed by the association of allottees on the project site, Authority observes that association of allottees is not authorized to place any board stating that respondent is "not the owner of the land". However, Association may place any board highlighting that four towers have been handed over by them for completion. Any prospective buyer seeking information regarding units located in those four towers may contact the association of allottees.



(iv) *As regards to outstanding bill of Rs. 12,27,332/- in name of Mr. Neeraj which was sent to complainant association by UHBVN to clear before granting new connection to them, the Authority observes that project was handed over to association of allottees free from all encumbrances. Thus, association of allottees is not obligated to clear this outstanding bill. Therefore, Authority hereby directs superintending engineer and Xen, DHBVN concerned to immediately grant a fresh electricity connection to association of allottees for the project and claim the outstanding bill, if any, from the concerned consumer.*

(v) *Lastly, complainant association sought information from respondent with respect to details of allottees who have filed cases for refund in various courts and correct address of untraceable allottees so that they can get true status of allottees of project. Respondent- promoter agreed to provide this information to association. Authority directs respondent to supply information to complainant association as well as the Authority in writing within four weeks of uploading of this order.*

7. *Case adjourned to 09.02.2023.*"

2. Today while initiating the proceedings, Mr. Surjit Badhu, Id. counsel for respondent promoter apprised the Authority that as per the directions of the Authority vide order 24.11.2022 that till the time clarification is received from



DTCP regarding the project site, both the complainant association and the respondent promoter shall have joint possession of the two buildings including the office of the company. He stated that association has provided respondent-promoter four rooms in the administrative block to work from there; they have also kept four rooms for discharging their administrative work. The only grievance remaining is that there is only one key to the main entrance gate to the administrative block, and that key is being retained by the association of allottees. He requested that an order for installing a new lock on the entrance gate be given, which may have two keys, so that both parties can have keys and access to the project site.

3. Further he stated that as per direction given in clause (iii) of para 6 of order date 24.11.2022, association of allottees was directed to remove existing display board and Association was allowed to place any board highlighting that four towers have been handed over by them for completion. Any prospective buyer seeking information regarding units located in those four towers may contact the association of allottees. He stated that the changes made in the board were not in accordance with order dated 24.11.2022 and the board is placed at the entry of the office building and any prospective investor/agency gets negatively influenced by seeing the board. He annexed a copy of the amended display board as Annexure - A, which is reproduced as below:



"FOUR TOWERS OF THIS PROJECT BELONGS TO GLM BUYERS WELFARE ASSOCIATION BY ORDER HRERA PANCHKULA DATE 18.05.2022 ANY BODY DEALING WITH PREVIOUS BUILDER GLM INFRATECH PVT. LTD. WILL DO SO AT HIS OWN RISK RESPONSIBILITY

CONTACT NO. 9463881830, 6239518203"

He requested that association of allottees be directed to display this board in the area of four towers which are being completed by them.

4. Another direction to be complied by respondent-promoter was given in clause (v) of para 6 of order dated 24.11.2022 whereby respondent was directed to provide information in writing to association of allottees as well as Authority with respect to details of allottees who have filed cases for refund in various courts against the respondent promoter and correct address of untraceable allottees so that association can get true status of allottees of project. Ld. counsel, Mr. Surjit Badhu stated that this information has been provided to the association in writing. To substantiate his statement on the same, he has appended letter dated 25.11.2022 which contains details of outstanding amounts of the members of association (Annexure C); letter dated 30.11.2022, details of allottees who have filed cases for refund (Annexure D); letter dated 02.12.2022, contact details/ address of 23 allegedly untraceable allottees (Annexure E); letter dated 02.12.2022, details regarding Service tax and GST during reconciliation of accounts (Annexure F) and letter dated 15.12.2022, information regarding certain corrections which were

made in accounts of allottees, after representation were received from the allottees (Annexure G).

5. In response to the submissions of counsel for respondent, Mr. B. K. Sood, authorized representative of the GLM buyers welfare association made verbal averments as well as gave a written status report of the progress made by them in the project. Firstly, he objected to the request of the respondent promoter that a new lock be installed at the entrance gate of the administrative block with two keys and that respondent promoter also be provided with a key. He stated that the administrative office open timely from 9 A.M. to 5 A.M. and respondent-promoter is permitted to enter the project and discharge their work during the office hours, he is just trying to create hindrance in the court proceedings and development of project by making such averments. With respect to display board at the project site, Mr. B. K. Sood stated that we have duly complied with directions of the Authority vide order dated 24.11.2022 and made the required changes in the board and now there is no discrepancy remaining with the display board.

6. He also submitted progress report during the hearing and also verbally apprised the Authority with the progress made by association and problems that are being faced by them. The same is reproduced below:



"3. That, in compliance of the Hon'ble Authority's order dated 24/11/2022 which was uploaded on 16/01/2023 the following actions have been taken.

4. That, the respondent has been permitted to use the Administrative Building and has been advised not to interfere in the construction work and not to enter the project area. The display board placed at the project site has also been amended suitably as directed.

5. That Superintending Engineer and Xen DHBVN were personally approached to install fresh electric connection at the project as directed by the Hon'ble authority. Online application for new connection has been submitted and action / response is awaited.

*6. That the Respondent has resolved the discrepancy in payment outstanding in case of 219 members and liability has been reduced by Rs 3,58,85,600.00 Cr. This will further increase the shortfall by more than Rs 7.0 Crs. This type of financial accounting cannot be accepted from a Pvt Ltd Co. Besides, this anomaly had not been detected/pointed out in the forensic audit ordered by the Hon'ble authority. We have not accepted the report and have asked the Respondent to get it approved from the Hon'ble authority with supporting justification. We will accept the revised list of outstanding dues once it is accepted by the Hon'ble Authority. **Annexure-1.***



7. That in the absence of financial records of the allottees, the Association is not able to answer the queries of allottees regarding variations in outstanding amount being shown by the respondent. The Hon'ble Authority is prayed to direct the Respondent to provide soft copy of accounts ledger of the allottees to enable payment of outstanding dues by the allottees.

8. That, as per directions of the Hon'ble authority the respondent has provided a list of 46 refund cases filed against his company in various courts. However on scrutiny, it is found that total only 28 cases are filed by the allottees of 4 towers and their flats can be considered as part of unsold inventory. **Annexure-2.**

9. That to safe guard the interests of non member allottees a letter was sent to them through emails/registered posts with a request to contact the Association by 31/12/2022 failing which it will be assumed that you are no longer interested in your flat and will be reported to the Hon'ble authority for directions. (49 were informed through Email, 19 were informed through registered letter and 21 registered letters were received back undelivered. Till date no non member allottee has contacted the association with any query, which indicates that they are either not interested or non bonafide allottees. **Annexure - 3.**

10. That, after November 2022, two GBM meetings, of the Association were held on 03/12/2022 and 01/01/2023. During the GBMs the following decisions were taken:



a) Tender for Internal Wiring Work of M/S ECI Engineering Chd' Pvt Ltd was found in order and accepted after negotiations for Rs 3,83,02,601.00 and letter of acceptance issued on 14/01/2023. **Annexure-4.**

b) Tender for STP work was recommended for retendering since no tenderer qualified the technical bid criteria. Fresh Tender Invitation is being issued.

c) That, the GBM ruled that all members should pay 50 % of their outstanding amount by 31/12/2022 and 75 % of the outstanding amount by end February 2023. As on date association has received Rs 6.28 Crs, in ESCROW a/c. The GBM further advised the Governing Body to take up case with Hon'ble Authority for sale of unsold flats to ensure that progress of construction of 4 towers is not affected due to funds crunch. A separate application to this effect will be submitted.

d) That, it was also decided by the GBM that the members who in spite of having submitted affidavits of commitment and are not paying the outstanding dues should be charged penal interest for late payment at 12% with approval of the Hon'ble Authority.

11. That the construction work at the project, is in progress and work done up to 04/02/2023 is attached as **Annexure - 5.** However due to non availability of service drawings, it is not possible to complete the project.

12. That as per Respondent Lt Col SS Deswal (Retd) he has submitted all Architectural, Structure, Fire fighting and Service drawings in the Hon'ble authority and no office copies are available in the office of the Respondent. Accordingly the Association filed an application in the Hon'ble Authority for issue of service drawings on 22/12/2022. However on 25/01/2023 the concerned official of the Hon'ble Authority told our team that no service drawings are available on record since respondent has uploaded normal drawings of the project under the head Service Drawings in his application. **Annexure - 6.**

13. That the association approached the Director General Town and Country Planning on 30/01/2023, for a copy of service drawings. After checking their records DTCP told the Association team that no service / internal drawings are available on record and we can take photocopies of drawings held with their office. It was also told that internal/service drawings are maintained by the builder/ his architect only and not submitted to DTCP.

14. That on contacting architect of respondent Mr Gaurav Chauhan located at Delhi, it was confirmed by the architect that all project drawings including service/internal drawings are available with him and one copy of the same is at the project office. On Association's request to provide a copy, the architect of respondent refused to provide copy of drawings since his payment is still due from the respondent. However he

is willing to provide a copy of internal drawings at a price of Rs 90.00 Lakhs

15. That it appears that the Respondent has been deliberately making false statements that he has submitted all project drawings in HRERA Panchkula and DTCP Haryana and has not retained a office copy. This may be a well planned strategy by the Respondent to fail the orders of the Hon'ble Authority since the 4 towers cannot be completed in the absence service drawings. Hon'ble Auhority is prayed to take serious note of the Respondent.

16. That contractor Gavar Construction Limited has intimated vide letter dated 25/01/2023, that he cannot continue with the construction work in the absence of Architectural, Structure and Fire fighting drawings and will stop the construction work wef 15/02/2023 if above drawings are not provided to him.
Annexure 7."

7. Mr. B. K. Sood verbally stated that the biggest issue association is facing relates to non availability of service plan drawings, that they approached respondent promoter to provide soft or hard copy of the service drawings available with him. Respondent promoter has informed them that he does not have any copy of service drawings and that he has submitted all architectural, structure, fire fighting and service drawings to the Hon'ble Authority. He prayed that appropriate



directions be given in this regard so that they can get the drawings and move further with construction.

8. Authority has gone through the submissions made by respective parties, as well as the status report filed by association of allottees and the submissions made by learned counsel for respondents. It observes in exercise of its powers u/s 36 of the RERA Act of 2016 and orders as follows:

(i) Respondent promoter is directed to provide a soft copy of the accounts ledger of the allottees, so that the association can address the queries, if any, raised by the allottees with respect to payment of outstanding dues.

(ii) Regarding the interest of non member allottees, association is directed to give publication in two newspapers with information that the project has been handed over to association for completion and they are requested to contact the association if they are interested in their respective units in the project. If association does not receive any response from these non member allottees within 30 days from the date of publication then association is at liberty to put their unit on sale. Association has to refund the paid amount by these non member allottees without any interest.



(iii) With respect to service drawings, architectural, structure, fire fighting and service drawings, Authority directs respondent to submit a copy of the covering letter through which he submitted the service drawings in the Authority. Further, Authority directs the office to make detailed reference to Director, Town and Country Planning and Director, Haryana Shehri Vikas Pradhikaran with a request to locate the service drawings submitted by the respondent i.e., GLM Infratech Pvt. Ltd. and provide the copy of the same to the association of allottees.

(iv) Regarding an extra key to the entrance gate of the administrative office, Authority direct both the parties to amicably settle this issue. No new lock is required to be made of the entrance gate of administrative office.

(v) Regarding the display board, Authority observes that Association in compliance of the order dated 24.11.2022 has made the required changes in the display board and Authority is satisfied by the same. With respect to the request of Id. counsel for respondent that association should be directed to place above mentioned board in the area of four towers, Authority rejects the said request as the board



should be placed at the administrative block for the information of general public.

9. Case adjourned to 09.05.2023.

.....
Dr. GEETA RATHEE SINGH
[MEMBER]

.....
NADIM AKHTAR
[MEMBER]

