



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

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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: 22.04.2022

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. Rajesh Tushar proxy counsel on behalf of counsel Ravi Sharma for complainant association.

(In complaint no. 559 of 2018)

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

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

(In complaint no. 969 of 2020)

Rajiv Garg, representative of respondent.

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ORDER (RAJAN GUPTA - CHAIRMAN)

1. Shri K. S. Saini, President of GLM Buyers Welfare Association referred to their application dated 04.04.2022 stating that respondent-company has sent an e-mail to the allottees of the project with an aim to create doubt in their minds regarding safety of their funds and in respect of capabilities of the Association to complete the project at their own level. Shri Saini referred to the e-mail dated 21.3.2022 placed at Annexure-A1 with this application, the operative part of which is reproduced below: -

"We do not want to repeat the problems which will be faced by the association time and again but would definitely like to state emphatically that the association will not be able to do this task on its own. The only and practical way of completing this task is for the company and the association to join hands and approach the HRERA authority jointly with request to reconsider the joint proposal submitted by us in September 2020 which had the consent of the general body meeting of the allottees.

As a word of precaution, we would like to advice all allottees with regard to points mentioned below:

- 1. The payment made by them to the association will be at their own risk at the company has no role in maintaining that account*
- 2. The company will not be in a position to issue any receipts and hence your liability towards the company will stay as it is.*
- 3. The association will not be in a position to clear statutory dues to include GST and payments due on that account will continue to exist against your name and will be imposed by the govt as per existing rules,*
- 4. The dues to be paid to Haryana Govt will continue to stay as it is and the Govt of Haryana will have the option of cancelling the licence.*



5. *Even if completed, the allottees will not be able to get the sale deeds of the flats executed in their names without the company.*
6. *In case of delays due to various judicial interventions, amount paid by you will remain held up with the association for which the company holds no responsibility.*

At the cost of repetition, we are aware that few allottees will try to discredit us on account of the information being shared with the allottees through this email. However, our duty to present actual picture to the allottees so that their interest remains protected. It would also be fair to inform you all that our efforts in seeking prospective invet the final stage details of which will be shared with you through a separate email very soon"

2. Sh. Saini stated that due to the above e-mail sent by respondents several allottees have got scared and their task of arranging funds for investing in the project has received a serious setback. He further stated that such an act on the part of respondents not only amounts to contempt of this Authority, but also an offence under Section 173, 183 and 186 of Indian Penal Code. He prayed that respondents should be prosecuted and punished and also restrained from repeating such activities in future.

3. Authority has gone through the contents of e-mail. Respondents were called repeatedly today for presenting their side, but it appears that respondents have deliberately chosen to absent themselves from proceedings. Neither respondents nor their counsel nor any proxy for arguing counsel appeared. One representative of respondent-company Sh. Rajiv Garg appeared who had brought

two cheques for payment in two other matters. He made a statement that arguing counsel is in personal difficulty, therefore, he may be exempted.

4. Authority considers that from language of e-mail written by respondent to the allottees it is evident that respondents are trying to create doubt in the mind of allottees and are trying to obstruct proceedings of this Authority. They are trying to create doubt in the minds of Association of allottees so as to dissuade them from exercising their rights under Section 8 of RERA Act. They are trying to create false impression in minds of allottees that even if apartments are completed allottees will not be able to get sale deeds of flats executed in their names. Respondents are fully aware that they are legally incorrect as the sale deeds can be got executed under the orders of Authority in accordance with Order 21 Rule 34 of CPC.

Similarly, they are intentionally and knowingly trying to create false impression that the dues to be paid to Government shall continue to remain payable and Government of Haryana could order cancellation of licence. Respondents are fully aware that liabilities towards Government will remain the liabilities of the respondent-company only. Under Section 8 of RERA Act, Association of allottees takes over the project without any liabilities which had been incurred by respondent-company. They are also trying to create false impression that liabilities of allottees will remain. Once a project is taken over, no further liability than the balance amount payable remains and Authority will

ensure that such balance amount is paid by allottees to Association. The Association substitutes for the promoter and after handing over of project the promoter ceases to have any right over the project except on the surplus assets which may remain after satisfying rights of the allottees.

Respondents are also trying to create wrong impression in minds of allottees in respect of payment of GST etc.

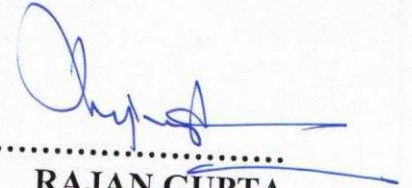
5. Authority considers that respondents ~~and~~ deliberately trying to obstruct the process of law and they are also trying to obstruct implementation of lawful orders of this Authority. Respondent-company is hereby called to show cause as to why action as per law be not initiated against them including by lodging a criminal complaint as well as initiating proceedings for punishment on account of contempt of court.

The respondents are also directed not to obstruct functioning of the Association and they should let law take its own course. Respondents are free to approach the Hon'ble Appellate Tribunal and Hon'ble High Court in case they find orders of this Authority not to be in accordance with law. Respondent-company however cannot take law in their own hand and obstruct its process.

6. Association of allottees is directed to continue its functioning and present action taken report as per directions of Authority given from time to time on next date of hearing.

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7. Adjourned to 18.5.2022.


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RAJAN GUPTA
(CHAIRMAN)


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DILBAG SINGH SIHAG
(MEMBER)

