



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 Private Limited

....RESPONDENT

Erstwhile Bhoomi Infrastructure Company and ors

CORAM:

Dr. Geeta Rathee Singh

Member

Nadim Akhtar

Member

Date of Hearing: 22.11.2023

Hearing: 33rd

Present: -

Mr. B. K. Sood, Authorised representative
on behalf of complainant association

Mr. Surjeet Bhadu and Ms Sanya Tahkur, Counsel for
Respondent no. 1

Mr. Rajkumar Narang, Counsel for respondent no. 5

Ms. Sonia, Counsel for respondent no. 6

ORDER (DR. GEETA RATHEE SINGH - MEMBER)

1. In compliance of the directions issued vide order dated 13.09.2023, complainant association has filed a status and compliance report in the registry with an advance copy supplied to all parties. Initiating his

arguments, Mr. B. K Sood, authorised representative of the complainant association submitted as follows:

- i. Respondent no. 1 was directed to provide the details of the ledger accounts of allottees with supporting documents so that discrepancy, if any, in the paid amount can be verified. However, said information has not been provided till date due to which the association is not able to resolve the dispute with regard to the balance outstanding amounts payable by the allottees. Respondent no. 1 has further failed to explain the difference of more than ₹ 6.0 cr surfaced in payment made by allottees in the first and then the second list of outstanding payments due from allottees, submitted by the respondent no. 1
- ii. As regards to removal of 3 hydra cranes, upon enquiry from the project engineer and contractor it has been reported that these cranes are not required and need to be removed. Despite specific directions from the Authority and imposition of cost, these cranes have not been removed from the site by respondent no. 1. Mr. B. K Sood, prayed that respondent no.1 be penalised for not removing hydra cranes from the site of the project which causes hindrance in completion of construction work.



- iii. With regard to provision of electricity connection, Authority has repeatedly issued directions to Superintending Engineer, UHBVN, however, till date respondent no. 6 has failed to file proper response to the application filed by the complainant association and further failed to provide a temporary electricity connection at site to enable construction process.
- iv. In compliance of directions issued in para (vi) of order dated 13.09.2023, complainant association has filed a tower wise list of all allottees showing allotment price, payment made to respondent no.1, payment made to association, total amount received and amount required to complete the construction as worked out by the project engineer. (ANNEXURE- 1).
- v. As per estimates, the total cost of completing the project upto 20 floor is likely to be ₹ 119 cr. A financial viability report which details out the options to complete the construction of 4 towers of the project has also been place before the Authority. Latest status of tower wise construction as on 15/11/2023 as per project engineer is annexed as ANNEXURE -2.



- vi. As regards to para 3 (viii) of the order dated 13.09.2023, it is submitted that the complainant association has not received any amount from the respondent builder for the construction of these 4 towers. Instead respondent has illegally allotted 50 flats at zero payment to partners which is exclusive liability of respondent and association be permitted to sell these flats to complete the construction of 4 towers.
- vii. A list of all the flats which can be put on sale including the unsold inventory, illegally allotted flats, and flats allotted to the erstwhile partners is at ANNEXURE - 3. Mr. B.K Sood, submitted that since no member has been nominated by DC office for committee for sale of flats, it is therefore prayed that a member be detailed from the office of Hon'ble Authority itself as was done at the time of handing taking over of the project. That association is not able to comply with para 3(ix) of the order since the committee could not assemble in the absence of members nominated from the DC office.
- viii. Mr. B. K Sood further apprised the Authority that after much time they have received an official representation from the office of Director General, Town and Country

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Planning, Haryana vide its official communication dated 15.11.2023 has granted a personal hearing to complainant association on 22.11.2023 i.e today at 3:00 PM to get an over view regarding progress in compliance of order dated 18.05.2022 passed by the Authority in captioned complaint.

- ix. Upon highlighting the latest status update with regard to the project in question, Mr. B. K Sood prayed the Authority that in order to enable the association to generate funds for construction of the project the illegally allotted flats by respondent no. 1 should be cancelled; status of flats allotted to partners should also be decided on priority to infuse funds by either allottees or by sale of these flats . An officer in this regard be nominated by the Hon'ble Authority as member of committee to fix the reserve price for sale of flats. He further prayed that strict action be taken against respondent no.1 for not providing accounts ledger of the allottees with all supporting documents and for not removing the hydra cranes from the site.
- x. Mr. B. K Sood also prayed that progress of the project be monitored by the Hon'ble Authority on fortnightly basis



to remove any hurdles to ensure smooth progress of construction.

2. Appearing on behalf of respondent no. 6, UHBVN, Ms Sonia, learned counsel submitted that the complainant association in this case is praying for provision of temporary electricity connection at the site. However, the exemption of providing temporary electricity connection without electrification plans can only be provided by Haryana Electricity Regulatory Commission (HERC). She submitted before the Authority that directions be issued to complainant association to move requisite application before HERC to avail temporary electricity connection. A joint request can be made on behalf of both the respondent no. 4 and the association to HERC for providing of temporary electricity connection.

At this point, Mr. B. K Sood argued that the complainant association had already moved an application before HERC for providing of temporary electricity connection but the same could not be processed through as they were not in possession of proper documents and electrification plan. Necessary documents can be provided to UHBVN/HERC at the time of filing for permanent electricity connection which will be after completion of construction works. Till then respondent no. 6 may be directed to provide temporary electricity



connection to the association. Complainant association is ready to assist the respondent no. 6 in the process of applying for said connection before the HERC.

3. Mr. Surjeet Bhadu, learned counsel appearing on behalf of respondent no. 1 submitted that as far as the issue with regard to details of the ledger accounts of allottees is concerned, respondent no.1 has already provided all the available details to the association. Respondent no. 1 has not hidden any fact from the association. He stated that respondent no. 1 is today submitting a pen drive containing all the necessary information with regard to the allottees. Mr. B K Sood, authorised representative of the complainant association submitted that this pen drive had earlier also been provided by the respondent no. 1 and it does not contain any material information.
4. Further, with regard to removal of hydra cranes, learned counsel for respondent no. 1 submitted that contrary to the directions of the Authority, said cranes have not been removed from the site as the same could have been utilised by the association in carrying out construction works at the site. However, if the association expressly does not need them, these cranes will be removed from the site at the earliest. He prayed that the respondent no. 1 may not be penalised for non removal



of hydra cranes as it was a bonafide help for the complainant association.

5. Mr. Raj Kumar Narang, learned counsel appearing on behalf of the respondent no. 5, i.e, Mr. Suresh Ambavi Vavia, submitted that he had filed an application in the captioned complaint on 30.05.2022 for admitting the respondent no. 5 as member of the complainant association and other reliefs. However, the complainant has yet to file reply to said application.
6. Ms Ridhi Bansal, learned counsel, appeared before the Authority on behalf of "Piramal Capital and Housing Finance Ltd." and submitted that "Piramal Capital and Housing Finance Ltd." has filed an application in the captioned complaint for impleadment as a necessary party on grounds that the applicant is the secured creditor who had financed one of the allottees, i.e, Sh. Dinesh Gupta to purchase unit no. 404 and 501 in Tower no A1 of the project in question, i.e, "Amazon The Defence Colony" by sanctioning credit facility. Subsequently, the said allottee failed to maintain its financial discipline and resultantly his loan account was declared NPA. The above mentioned units have been mortgaged with applicant -Piramal Capital and Housing Finance Ltd. Hence, the application seeking kind indulgence of the Authority for impleadment as a party to the captioned complaint.

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7. After hearing submissions, of all the parties, Authority observes and orders as follows:

- i. Considering the rival contentions of both parties with regard to relevant information pertaining to details of ledger accounts of the allottees, it is observed that multiple opportunities have been granted to both the parties to verify the amounts paid by various allottees. However, no conclusive decision has been reached in this regard. Therefore, both parties are once again directed to conduct a joint meeting specifically for the issue pertaining to amounts paid by respective allottees along with records. Respondent no. 1 is directed to hold a meeting with the complainant association on a date suitable to both parties. Respondent no. 1 shall appoint an authorised representative and provide all the relevant records of the allottees including ledger accounts and authorised representative on behalf of the complainant association shall verify all the available record to settle the dispute pending with regard to the payments. In case, complainant association has any objection to the documents submitted by the respondent no. 1, they may file an application specifically raising objections to the details not submitted

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in the joint meeting so as to enable the Authority to precisely conclude this issue.

- ii. With regard to removal of hydra cranes, it is observed that after detailed discussion with the concerned parties, Authority vide order dated 13.09.2023 had directed the respondent no. 1 to remove the cranes from the site of the project failing which a cost of ₹ 1,000/- per day was imposed upon the respondent as penalty for non compliance. Today, learned counsel for the respondent no. 1 has pressed that the hydra cranes had been left at the site as a bonafide act for the help of the association. This contention of the respondent counsel cannot be accepted as the hydra cranes which are unuseful have already been ordered to be removed from the site of the project. Therefore, respondent no. 1 is again directed to remove the hydra cranes from the site at the earliest failing which the deliberate non compliance of the order of the Authority shall warrant an imposition of cost of ₹ 10,000/- per day w.e.f 22.11.2023.

- iii. With regard to the provision of temporary electricity connection, it is observed that Authority has repeatedly issued directions to Superintending Engineer UHBVN, for



facilitating the electricity connection at the site of the project. Innocent consumers cannot suffer on account of documentary liabilities amongst various government departments and respondent builder for obtaining a temporary electricity connections required for the purpose of start of construction works at the site. However, for obtaining permanent electricity connection for the project, the association will have to fulfil all requisite compliances related to submission of electrification plans for grant of necessary approvals. So, respondent no. 6 cannot be allowed to evade from its responsibility of facilitating the provision of electricity connection at the site. Accordingly, respondent no. 6 is directed to assign an adequate official from its department to pursue the matter with regard to providing temporary electricity connection to the complainant association. If required for grant of even temporary electricity connection, said officer shall issue official communication to the complainant association for pursuing the matter before HERC. In that case, both the complainant association and respondent no. 6 shall jointly approach HERC to expedite grant of temporary electricity connection at the site. Respondent no. 6 is again strictly



directed to expedite the matter for the benefit of the members of the complainant association.

- iv. Authority vide orders dated 27.07.2023 had issued directions to form a committee consisting of the DTP, a representative of Deputy Commissioner (who shall be in Class-I officer in the district) and two representatives of the RWA (including President of RWA). In this regard, a letter bearing S.no. 18709/ M.A/M.C-1, dated 20.10.2023 has been received from the Deputy Commissioner, Panchkula stating that in compliance of the order dated 27.07.2023, the Deputy Commissioner, Panchkula has appointed District Revenue Officer, Panchkula as his authorised representative for the purpose of formation of committee for the sale of the unallotted apartments and flats of untraceable allottees on as and where basis in the captioned complaint.
- v. Since an official representation of the office of Deputy Commissioner with regard to committee has been received there is no further need for the Authority to enlist an officer on its behalf.
- vi. Authority in the captioned complaint is already monitoring the progress of the construction of the project



and other associated proceedings to expedite the completion of the project. Therefore, there is no further need to begin monitoring on a fortnightly basis as the same is already in process. Accordingly, complainant association is directed to file a progress report in furtherance of the orders of the Authority on the next date of hearing with an advance copy supplied to the opposite parties.

vii. Complainant association is directed to file reply to the application dated 30.05.2023 filed by respondent no. 5 at least 15 days before the next date with an advance copy supplied to the respondent no. 5.

viii. With regard to the application filed by Piramal Capital and Housing Finance Ltd., it has been observed that applicant has only sent a copy of the aforementioned application on the office email id. However, no hard copy has been filed in the registry of the Authority. Accordingly, applicant is directed to file the same in the registry within 15 days with an advance copy supplied to the opposite parties. Complainant association is directed to file reply to the said application at least 15 days before the next date with an advance copy supplied to the applicant. On next



date arguments will be heard on the application for
impleadment of Piramal Capital and Housing Finance ltd
as a party to present complaint.

8. With the above directions, case is adjourned to 23.01.2024.


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NADIM AKHTAR
[MEMBER]


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DR. GEETA RATHEE SINGH
[MEMBER]