



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: 24.11.2022

Hearing: 28th

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

Mr. S. S. Deswal, Managing-Director of respondent company.

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, complainant-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. Therefore, respondent is obligated to hand over entire project to the association of allottees for completion of the construction work. Authority further suggested that if respondent promoter fails to hand over complete project then complainant association of allottees may prepare inventory of all material that belongs to respondent company and get it relocated at a convenient



corner in the project site. Complainant association filed an application dated 14.10.2022 in Authority whereby they requested for appointment of an officer to assist members of the association of allottees in preparing the inventory of material belonging to the respondent promoter and lying at the project site. In furtherance of the same an officer was appointed by the Authority who along with members of the association of allottees (Taking Over Committee) visited the project site on 18.10.2022 and supervised the handing-taking over of project. It is pertinent to mention that the respondent promoter handed over the complete project along with the dissent note the extract of which are reproduced below:

“DISSENT NOTE BY THE COMPANY

2 buildings to include the main office of the company and the building in the other's land inside the project (licensed land) and the company will be filing an application with HRERA, Pkl on this subject.”

2. On the last date of hearing, Mr. S. S. Deswal, Managing Director of respondent company filed an application dated 20.10.2022 for seeking appropriate directions. In the application respondent stated that “Taking Over Committee” of the complainant association along with officer of the Authority visited the office of respondent on 18.10.2022 and asked the respondent to hand over the entire project. During the process, the “Taking Over Committee” insisted on taking over of



possession of office of respondent and another building which is located on a land which is not part of the project/license area. It has further been submitted in the application that any structure or property which is owned/established by respondent company outside the project land, is not covered by orders of this Hon'ble Authority and also no order of handing over with regard to any such structure or property has been made by this Hon'ble Authority in order dated 18.05.2022 or order dated 07.09.2022. He, therefore, requested Hon'ble Authority to issue appropriate direction in the matter. Respondent-promoter filed another application dated 9.11.2022 wherein it stated that the complainant-association of allottees is mis-using orders dated 18.05.2022 and 07.09.2022 passed by the Authority and has placed a sign board on the project site. The content of the board is being reproduced from the application:

"THIS PROJECT BELONGS TO GLM BUYERS WELFARE ASSOCIATION BY ORDER: HRERA PANCHKULA DATED 18.05.2022 ANY BODY DEALING WITH PREVIOUS BUILDER LT COL SS DESWAL (Rtd) WILL BE ON HIS OWN RISK AS HE CEASES TO BE OWNER OF THIS PROJECT

CONTACT NO. 9463881830, 6239518203"

A photograph of the sign board is annexed as Annexure-B."

He further stated in his application that the applicant is unable to arrange funds by inviting investment or construction partner for balance towers under construction because of such acts of the complainant association. Therefore, the



sign board placed by the complainant association is clear over-reach and deserves to be removed from the site. He prayed that appropriate directions may be issued to the complainant association of allottees to not to seek possession of any property / structure located outside the project land as marked in zoning plan bearing drawing number No. 5225 dated 21.07.2015 approved by the competent authority, especially, the office of the respondent and structure existing on others land which is not part of present license No. 30 dated 03.07.2009. It is further prayed that the complainant association of allottees may be directed to remove the impugned sign board immediately from the site premises.

3. Complainant-association of allottees on the last date of hearing held on 03.11.2022 requested for an opportunity to file reply to the application dated 18.10.2022. association of allottees filed reply on the same day i.e., 03.11.2022 after the court proceedings were concluded. In the reply submitted by the association of allottees in compliance of the order dated 07.09.2022, it was mentioned that store inventory has already been prepared, identified and kept separately under lock and key by "Taking Over Committee" of the association of allottees. The entire exercise had been carried out in the presence of the authorized representative of the respondent-promoter. The same was also supervised by the official appointed by this Hon'ble Authority. Further, it has been stated that the possession of the entire project including the administrative office required for



effective completion and execution of the works has also been taken over by the association of allottees and needless to say that after completion of the development works pertaining to 4 Towers and the basic amenities attached thereto, the remaining project area along with administrative offices will be handed over back to the respondent-promoter. The respondent-promoter is attempting to create hurdles in the implementation and completion of the project. The administrative offices are required by the Association for proper implementation and monitoring of the project area and to maintain the records. Therefore, said application may be dismissed with costs.

4. Today, initiating the proceedings, Mr. S. S. Deswal, Managing Director of the respondent company reiterated averments made in his applications dated 20.10.2022 and 09.11.2022 with respect to handing over of two building including the main office of the promoters Mr. Deswal said that very important documents of the promoter company are stored in this office and taking over of the same by association of allottees may compromise the important documents stored therein. In response of the same, Mr. K. S. Saini, President of the complainant association stated that they have already taken over the administrative block of the project. It is situated in the heart of the project site, it does not have any separate entry or exit. It is very much part of the project land. Therefore, the association of allottees have rightly taken it over. Furthermore, association of allottees has taken over the



project only for the limited period i.e., till it completes construction of four towers. Consequent to completion of those four towers, whole project will be handed back to the respondent promoter. With regards to another building that has been taken over, complainant association of allottees was not aware of the fact that it is constructed on government land. As it appears to be situated in the project site, it was taken over exclusively for looking after construction activity of four towers. Moreover, as far as the notice display board is concerned, purpose behind placing the same was that no one should be misled and respondent should not make any new allotment/transfer without knowledge of association.

5. Shri K. S. Saini, President of complainant association submitted the progress report, relevant extract of which are reproduced herein below:

"5. That, the total project has been taken over by the Association including all buildings, huts and administrative office on 18/10/2022 in the presence of the officer detailed by the Hon'ble Authority. Copy attached as Annexure-1.

6. That the contractor's staff and labour have arrived at the project site and construction work will start soon.

7. That, to start the construction, contractor approached the Uttar Haryana Bijli Vitran Nigam, SDO, Sub Urban Sub Division Madanpur Panchkula

for grant of electric connection. He was told by the office that there is an outstanding bill of Rs 12,27,332.00 in the name of Mr Neeraj c/o Green Bhoomi Moginand, near Temple Panchkula.(now GLM infratech Pvt Ltd.) hence electricity connection cannot be restored unless the bill is paid. The outstanding bill has been forwarded to respondent but as per him nothing is outstanding. The President of the Association along with the contractor visited the office of SDO, Sub Division Madanpur on 22/11/2022 and explained that the project has been handed over to the Association free of all liabilities by the Hon'ble Authority and hence a new electric connection be granted but he refused to do so and insisted that outstanding bill pertains to the project and has to be cleared first. It is humbly prayed that Hon'ble Authority issue directions to Uttar Haryana Bijli Vitran Nigam to direct SDO, Sub Urban Sub Division Madanpur, Panchkula to provide fresh Electric Connection at the project site and Nigam can recover the outstanding bill from the Respondent. Copy of bill attached as Annexure-2.

8. That, an engineer has been employed to supervise the quality of construction and scrutinise the bills of the contractor as directed by the Hon'ble Authority.

9. That, to facilitate the construction, the tenders have been invited for STP and Internal Electric Wiring in three News Papers on 08/11/2022. The pre bid meeting is fixed on 22/11/2022 and Tenders will be received on

02/12/2022. To finalise the tenders GBM meeting has been called on 03/12/2022.

10. That in spite of directions by the Hon'ble Authority on 07/09/2022 to DTCP Haryana. No team has visited the project site to identify any compoundable or non compoundable violations committed by the respondent company. However in compliance to directions of the Hon'able Authority the association has requested the DTCP vide letter dated 09/11/2022 to release the project drawings to the Association at the earliest. Annexure-3.

11. That in spite of directions by the Hon'ble Authority in its order of 07/09/2022 the Respondent has not provided the details of allottees who have filed cases for refund in various Courts. Due to non submission of this information the Association is not able to decide about the status of allottees.

12. That the Association has asked the respondent to provide the correct addresses of untraceable allottees vide letter dated 21/10/2022. The respondent please be directed to provide their correct addresses and also resolve the discrepancy of approximately Rs 10 Crs in outstanding payment dues of 230 members as shown by the respondent. Annexure-4 and 5."



6. In response to issues highlighted by the association of allottees in its report. Mr. S.S. Deswal, Managing Director of the respondent company, made oral submissions in respect to each point. He stated that he bought the project land from previous owner Mr. Neeraj in 2007. Thereafter, he got the land registered in the name of his company (Global Land Masters Infratech Pvt. Ltd. erstwhile Bhoomi Greens Pvt. Ltd.). Later on he applied to UHBVN for electricity connection and got the same. Since then he has been regularly paying electricity bills. The outstanding bill in question as mentioned in the report is not payable by respondent, neither is it issued in the name of the respondent-company. Furthermore, with respect to information regarding details of allottees who have filed cases for refund in various courts and details of untraceable allottees, he agreed to supply the information available with him pertaining to cases filed by allottees in various courts and information of all allottees who are untraceable to association in writing.

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 buildings 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.



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Dr. GEETA RATHEE SINGH
[MEMBER]



.....
NADIM AKHTAR
[MEMBER]

