



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 436 OF 2019

Rajinder Singh Chahal

...COMPLAINANT

VERSUS

M/s Akashganga Township Pvt. Ltd.

....RESPONDENT

CORAM: Rajan Gupta

Chairman

Dilbag Singh Sihag

Member

Date of Hearing: 26.04.2022

Hearing: 18th

**Present: - Mr. S. N. Pilonia, ld. counsel for Complainants through VC.
Mr. Shubhmit Hans, ld. counsel for respondent through VC.**

ORDER (RAJAN GUPTA - CHAIRMAN)

1. This complaint has been filed by Residents Welfare Association through its President of 'Akashganga Township', a residential plotted colony being developed over land measuring 31.193 Acres in Sector-6, Ratia, Fatehabad. This project is registered with the Authority vide Registration No. HRERA PKL-FTB-192-2020 dated 05.03.2020.

2. Case of complainant association is that:

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(i) At the time of purchase of plots in the colony, respondent charged development charges at the rate of Rs. 100/- per yard. He also charged Rs. 60/- per square yard on account of possession certificate and Rs. 150/- per square yard as transfer fees from each plot holder.

(ii) At the time of allotment respondent promised that all basic amenities such as pure drinking water, sewerage treatment plant and sufficient means of energy/electricity will be provided. However, respondent has deviated from the assurances made. Till date no sewerage treatment plant has been installed, nor any energy/electricity back-up provided.

(iii) Respondent had promised that about 20 commercial plots will not be converted into residential plots and will be allotted for development of commercial areas. Respondent in violation of his promise has converted those 20 commercial shops into residential plots. No notice was ever served upon plot holders regarding conversion of shops into residential plots.

3. Respondent has submitted in his reply as follows:

(i) Respondent-company has developed each and every service like roads, sewerage services, water supply services, street lights, lush green park, employing guards for security, gardener for maintenance of park etc. Only sewerage treatment plant is left to be commissioned and

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same will also be done when the colony nears full occupation and upon making of balance payments by plot holders. As such, development at the site is complete and the respondent company is endeavouring to apply for completion certificate of the project to competent authority.


(ii) It is being denied that the respondent company is charging Rs. 60/- per square yard on account of possession certificate and Rs. 150/- per square yard as transfer fees. No such demand has ever been made by respondent company. Furthermore, no proof of demand has been placed on record by complainant association that such charges has been demanded by the respondent company. It is admitted however that the respondent company has charged Rs. 100/- per square yard only once, at the time of registration, which includes possession as well as demarcation charges.

(iii) It is further submitted that the change of location of commercial area has been done as per procedure after securing due prior permissions of District Town Planner. Therefore, the colony has been developed strictly as per plans approved by competent authorities of the State Government.



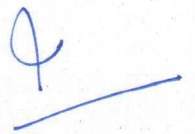
4. Authority during the proceeding directed both parties to submit their written arguments. Only respondents have complied with the direction and have submitted their written statement.

5. Respondent in his written statement has claimed that they have obtained license from DTCP bearing license no. 224 of 2007, dated 19.09.2007 for setting up a residential colony namely 'New Town, Ratia' at village Ratia, Tehsil Ratia, District Fatehabad, for an area measuring 26.218 acres, out of which 1.048 acres was for development of commercial shops, copy annexed as Annexure R-1 on page no. 8 of reply of respondent. Further respondent company had obtained an additional license no. 19 of 2016 dated 11.11.2016 for setting up a residential colony on an additional land measuring 4.975 acres adjacent to the aforesaid land of 26.218 acres in village Ratia, Fatehabad. Copy of the same is annexed as Annexure R-1 at page no. 11 of the reply of respondent. Respondents submitted they applied for grant of additional license in 2015. As per the policy of DTCP, respondent company had to invite objections for getting additional license for the area measuring 4.975 acres. Accordingly, the respondent issued advertisements in three different newspapers for inviting objections. Copy of the advertisement has been annexed at page number 9-11 of the application filed by the respondent. They have further claimed that individual letters were also sent to all the allottees for inviting objection. After acquiring additional licence no. 19 of 2016 from the Department, respondents got the layout plans revised and



approved from Department pertaining to total 31.193 acres (26.218 + 4.975 acres). Copy of revised layout plan is annexed as Annexure-2 at page 13 of written submissions. Respondents submitted that as per revised layout plan, commercial area of the same size is still there in the project, only its location has been changed.

6. Further, respondents made submissions regarding deficiencies in the project. They submitted that all basic amenities are being maintained by the respondent-promoter. They have developed each and every service at their own level such as roads, water supply, sewerage, street lights, lush green park, security services. The only facility not completed in the project was installation of the Sewerage Treatment Plant. One of the reasons that the project is not fully occupied, even though fully sold. As such installation of STP would not have served the purpose as the STP usually works when wastage would pass in full flow into sewerage. Respondent-promoter has been maintaining sewerage at its own level by cleaning it with pump twice a month. In order to discharge their responsibility, respondent has decided to install STP for which respondent-promoter had invited quotations for the commissioning of STP in the month of November 2021. Copy of said documents is annexed at page 17 of the additional documents. Now respondent-promoter has initiated installation of STP at the project. Photographs of the same are annexed as Annexure A-1 with the written statement. Hence, now no deficiency exists in the project.



7. Today is the 18th hearing in the matter. After taking into account previous proceedings in the matter and the written submissions of the parties, Authority observes that two major issues for decision are:

- (a) Deficiencies in the project such as STP
- (b) Conversion of commercial shops into residential plots .

In respect of deficiencies, complainants have not placed on record documents to show that there exists any major deficiency in the project. Admittedly, only STP was not installed in the project; respondents through their written submissions showed efforts taken by them to remove this deficiency also. Respondents had initiated the process of installation of STP in 2021 It is clear from the photographs annexed as Annexure A-1 with the written submissions that installation work of STP is going on in full swing at the project site. Hence, Authority is of the view that all deficiencies have been removed from the project.

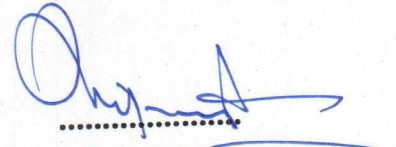
Regarding issue of conversion of commercial shops into residential plots, respondent has attached duly approved revised and additional layout plans pertaining to respondent's project spread across 31.193 acres (26.218 + 4.975 acres). Copy of the same is annexed as Annexure-2 at page 13 of written submissions. The layout plans have been approved by Department of Town &

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Country Planning in 2016. As per the layout plan, commercial area of 1.019 acres is still there, only its location has been changed.

For above reasons, Authority decides to dismiss this complaint.

8. **Disposed of** in above terms. File be consigned to record room.



RAJAN GUPTA
[CHAIRMAN]



DILBAG SINGH SIHAG
[MEMBER]

