



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 1144 OF 2021

S Block Kingsbury RWA Regd.

....COMPLAINANT(S)

VERSUS

TDI Infrastructure Limited.

....RESPONDENT(S)

CORAM:

Rajan Gupta

Chairman

Dilbag Singh Sihag

Member

Date of Hearing: 10.08.2022

Hearing: 4th

Present: - Mr. Tarjit Singh Chikara, Ld. Counsel for complainant through VC.

Mr. Shubhnit Hans, Ld. Counsel for the respondent.

ORDER (DILBAG SINGH SIHAG-MEMBER)

1. While perusing case file, it is observed that on last date of hearing i.e. 28.06.2022, a detailed order was passed by the Authority. Facts of the case and arguments advanced by both parties were recorded therein. Vide order dated 28.06.2022, Authority, had directed respondent to prove that Car Parking No. 4,

10, 16, 22, 27, 33, 39 and 45 in Tower-17 are not in front of lift lobby and are as per sanctioned plan. Relevant part of aforementioned order dated 28.06.2022 is reproduced below:

“1. Main issue involved in the present complaint is that respondent has allotted car parking spaces (stilt) in front of lift lobby of the tower which allegedly poses a hindrance the use of emergency exit. Complainant vide emails dated 02.03.2019 and 06.07.2019 raised this issue before respondent, but no action was taken by respondent. So, complainant raised the same issue before District Town Planner, Sonapat but no action was taken by the respondent qua such parking spaces. Therefore, complainant Association has filed present complaint seeking cancellation of such parking allotments in stilt area and refund of amounts received by respondent for allotment of such car parking spaces or provide some alternate parking space to those allottees.

2. Learned counsel for complainant submitted copy of photographs showing allotted car parking spaces in front of lift lobby and Stilt parking Plan of Car Parking No. 4, 10, 16, 22, 27, 33, 39 and 45 in Tower-17 in the Court today. Learned counsel for complainant supplied copy of said documents to learned counsel for respondent. He stated that as per sanctioned Stilt (Car) Parking Plan of Tower-17 only 10 car parking spaces were approved to be sold each in S1, S2, S3 and S4, but respondent has sold open stilt spaces in front of lift lobby to 8 additional allottees as car parking space in violation of the said Plan.

3. Learned counsel for the respondent stated that aforesaid car parking spaces have been sold and allotted as per layout plan sanctioned by concerned department. He sought some time to peruse and rebut documents supplied to him by learned counsel for complainant today.

4. On perusal of Stilt Car Parking plan annexed by both parties as Annexure C-2 and R-4 and submitted by complainant today, it is evident that only 10 car parking spaces were approved to be sold each in S1, S2, S3 and S4. Complainant has alleged that respondent has sold Stilt Car Parking No. 4, 10, 16, 22, 27, 33, 39 and 45 in stilt in front of lift lobby which is in violation of sanctioned plan. Learned counsel for complainant has submitted photographs showing area in front of lift lobby being used as car parking space. Taking into consideration, the sanctioned Car Parking Plan and the photographs of car parkings in front of lift lobby, the burden of proof that Car Parking No. 4, 10, 16, 22, 27, 33, 39 and 45 in Tower-17 are not in front of lift lobby and are as per sanctioned plan lies on respondent.

4. On request of learned counsel for respondent, case is adjourned to 10.08.2022.”

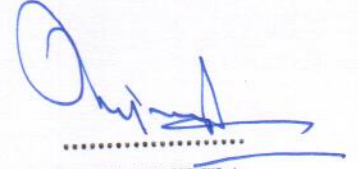
2. Learned counsel for the complainant reiterated that as per sanctioned Stilt (Car) Parking Plan of Tower-17 only 10 car parking spaces were approved to be sold each in S1, S2, S3 and S4, but respondent has sold open stilt spaces in front of lift lobby to 8 additional allottees as car parking space in violation of the

said Plan. Therefore, complainant Association is seeking cancellation of said additional car parking allotments in stilt area and refund of amounts received by respondent for allotment of such car parking spaces or provide some alternate parking space to those allottees.

3. Learned counsel for respondent has filed certain photographs showing pillars/ spikes erected in front of lift lobby/ additional car parking. He stated that as per his instruction from respondent company maintenance of this part of project has been handed over to the concerned Resident Welfare Association (RWA). He further apprised the Authority that the pillars/spikes as reflected in photographs have been installed by said RWA. He further made a statement that as per instructions received from respondent company, they have not allotted any additional car parking in front of lift lobby in S1, S2, S3 and S4. Car parking spaces have only been allotted as per sanctioned plan of Stilt (Car) Parking of Tower-17.

4. In view of statement made by learned counsel for respondent that they have not allotted any additional car parking in front of lift lobby in S1, S2, S3 and S4. Car parking spaces have only been allotted as per sanctioned plan of Stilt (Car) Parking of Tower-17, case stands **disposed of**. Liberty is being granted to complainant to file case afresh incase statement made by learned counsel for respondent on behalf of respondent are found to be false. In that case, Authority will also initiate action against respondent for making false statement as per

provisions of the RERA Act, 2016. File be consigned to the record room and order be uploaded on the official website.



RAJAN GUPTA
[CHAIRMAN]



DILBAG SINGH SIHAG
[MEMBER]