



Complaint No. 127 of 2022

HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 127 OF 2022

Kiran Schrawat

....COMPLAINANT(S)

VERSUS

Lord Shiva

....RESPONDENT(S)

CORAM:

**Rajan Gupta
Dilbag Singh Sihag**

**Chairman
Member**

Date of Hearing: 13.07.2022

Hearing: 2nd

Present: - Mr. Sanjeev Sharma, Counsel for the complainant
Mr. Vishal Singhal, Counsel for the respondent

ORDER (RAJAN GUPTA -CHAIRMAN)

1. Today this matter is being heard to decide about the maintainability of complaint before this Authority.
2. Complainant in her complaint has averred the respondent Lord Shiva Cooperative Group Housing Society had been allotted a plot No. 7, Sector-3, Part-II, Rewari in the year 2006-2007, whereafter they advertised the project. Cost of the flat was fixed about Rs. 17,19,850. In the year 2007 complainant became member of the Society by paying Rs.600/-. From 2007 upto September, 2021,

complainant made total payment of Rs. 17.88 lacs to the society. Complainant alleges that on 30.7.2017 she was removed from membership of the Society, against which she filed an appeal before Additional Registrar, Cooperative Societies, who reinstated the membership of the complainant vide appeal No. 41 of 2019 dated 30.3.2021. Complainant alleges poor construction of the Society, lifts not being operative, and the FIR having been lodged by the complainant against the Society. Complainants prays for payment of interest on the amount paid; carrying out audit of the Society; payment of cost of litigation; and imposition of penalty on the Society under Section 59 for not registering their project.

3. A reply has been filed by few members of the Society. It has not been filed by management of the society because currently management of society has been superseded and a Board of Administrator has been appointed by Assistant Registrar of Cooperative Societies. At present govt. appointed Board is in control of the project. In the reply, allegations have been levelled against the Board of Administrators appointed by the Assistant Registrar of Cooperative Societies. It has also been averred that this complaint is not maintainable before this Authority.

4. Upon consideration of the matter complainant was asked to submit her written arguments. She has, however, failed to do so.

5. The Authority has gone through facts placed on record. It observes that the project has been constructed by a Cooperative Group Housing Society of

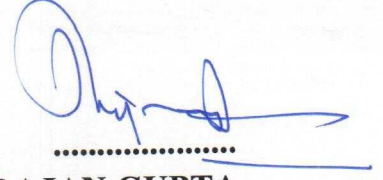
which complainant is also a member. The project appears to have been completed and its possession has been handed over to members. The complainant has grievances in regard to poor maintenance of the project and unprofessional conduct of affairs of the Society. It is important to note that at present, management of the society has been superseded and a Board of Administrator has been appointed by Assistant Registrar of Cooperative Societies.

6. Consistent view of the Authority in such matters has been that in a cooperative group housing society, all decisions are taken by members themselves through their elected representatives. Governing Body of the Society meets periodically and watches progress of the project and monitor functioning of their Governing Council. There is no builder-buyer relationship between the society and its members. It is the members themselves who construct apartments for themselves. If any member has any grievance, it should be aired before Governing Body or before Registrar of Cooperative Societies. Complaints of members of a Society vis-à-vis their Governing Council cannot be entertained by this Authority. They lie within the domain of authorities of Cooperative Department.

7. For these reasons, Authority decides that this complaint is not maintainable before it. Complainant may approach Registrar, Cooperative Societies, for redressal of her grievances as per law.

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8. **Disposed of.** File be consigned to record room and order be uploaded on the website of the Authority.



RAJAN GUPTA
[CHAIRMAN]



DILBAG SINGH SIHAG
[MEMBER]

