



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 1976 OF 2019

Dai Ram Khatkar (Deceased) through LR Rajbir Singh Dhankar & Anr.

....COMPLAINANT(S)

VERSUS

M/S Parsvnath Developers Ltd.

....RESPONDENT(S)

CORAM: Rajan Gupta
Dilbag Singh Sihag

**Chairman
Member**

Date of Hearing: 05.08.2022

Hearing: 21st

Present: - Mr. Ketan Antil, learned counsel for the complainant
through video conference

Ms. Apurva Singh, learned counsel for the respondent
through video conference

ORDER (RAJAN GUPTA - CHAIRMAN)

1. This complaint has been filed by Association of allottees residing in 'Parsvnath City, Block A, Sonapat'. The complaint has been filed

because respondent company has failed to provide amenities as were agreed between the parties such as installation of the sub-stations, underground water tank, STP and provision of club. Due to failure on part of respondent to provide these amenities, residents are facing many problems.

2. Case was heard at length on 23.02.2021 wherein after hearing both the parties, Authority had decided to appoint a Local Commissioner to ascertain the status of amenities provided by respondent at site. Said order is reproduced below:

1. Learned counsel for the respondent stated that in compliance of order dated 04.02.2021, a detailed reply has been filed on 22.02.2021 to place on record certain additional documents. Office is directed to send copy of reply so filed by the respondent to the complainant.

2. Initiating his arguments, learned counsel for the complainant argued that the respondent promoter has miserably failed to provide basic amenities to the residents of the project named 'Parsvnath City Block A, Sonipat,' as were agreed between the parties. The first and foremost deficiency in the project is that the respondent has not installed proper electricity substation due to which residents are not getting sufficient power supply. He argued that respondent has installed only a transformer of 400 KVA capacity whereas as per electrification scheme sanctioned by UHBVN, Sonapat, respondent was obliged to create 33KV sub stations with installed capacity of 2*5 MVA, and as per its clause 17 the colonizer should have handed over the LD system to the Nigam after 5 years or on release of connection of more than 50% of the plot holder whichever is earlier but same has not been created till date. Said scheme has been placed on record at page 19 of paperbook.

To rebut his argument, learned counsel for the respondent argued that there are currently 60 units/plots have been occupied in the project and sanctioned load of power station is 300 KV through temporary electric connection which is more than enough for current residents. However, learned counsel for



the complainant stated that more than 80 units have been occupied in the project.

3. Secondly, learned counsel for the complainant argued that the respondent has not constructed underground water tank due to which HUDA is not able to supply drinkable water to Block A of the City. Further, the water being supplied by the respondent company is not fit for human consumption because of its high TDS of 1500. To this, learned counsel for the respondent argued that small water tank with capacity of 50,000 litres has been installed at site which is filled with ground water being extracted with tube well.

4. Next point argued by learned counsel for the complainant is that respondent has not constructed sewerage treatment plant at site due to which all the sewers are filled with dirty water and there is no way for their disposal. To this, learned counsel for the respondent replied that STP has been installed at project but is non-operational due to meagre number of residents. However, temporary sewerage collection facility is available at site. The area where it is being collected is regularly cleansed and properly sanitised.

5. Learned counsel for the complainant also argued that the respondent has failed to construct club for the residents of the society for which huge amount of money has been charged by him and payment has been made by the residents. Learned counsel for the respondent sought some time to apprise the Authority as to whether amount in this regard has been collected from the allottees.

6. Learned counsel for the complainant requested that a Local Commissioner be appointed to verify that whether or not above said services have been laid in the project.

7. After hearing the contentions of both the parties, Authority observes that for proper adjudication of the matter, a Local Commissioner needs to be appointed who shall visit the site and conduct a proper survey of the colony and shall apprise the Authority on next date with regard to following:

- i) Whether Infrastructural development works have been completed in the colony?
- ii) How many persons are residing in the colony?
- iii) Whether the electricity connection provided by the respondent is sufficient for residents residing or there is shortage of electricity?
- iv) For how many hours water is supplied in a day to the residents?

v) The means and methods by which sewage is collected, processed and disposed in the colony.

Authority therefore, orders that a Local Commissioner be appointed who shall furnish a detailed report with regard to amenities provided by the respondent at site including the points mentioned above. Cost of ₹41,000/- as expenses for appointment of Local Commissioner shall be equally paid by both the parties. However, initially said amount will be paid by the Authority and both parties are directed to deposit ₹20,500/- each before next date of hearing.

Respondent shall also apprise on next date with regard to amount collected by him from the allottees for providing the facility of club in the colony.

8. Case is adjourned to 20.04.2021. Respondent is further directed to also pay earlier imposed cost of ₹10,000/- payable to the Authority and ₹5,000/- payable to the complainant on or before the next date of hearing."

3. Local Commissioner submitted his report on 24.08.2021, the operative part of which is discussed below:

- (i) Basic infrastructure like commercial market, kiosks, health centre (nursing home), primary and nursery school, club house, boundary wall etc which initially were part of proposed sanction scheme are not developed on site. Roads need maintenance and in some parts to be constructed.
- (ii) Approximately 120 families are residing in the colony.
- (iii) As per Local Commissioner's calculations, assuming 10 kW capacity load for each unit (as per 10 Marla average size for each plot), presently 2*630 kVA transformers are required to be installed for current residents (i.e approximately 120 families



and keeping in view near future expansion of approximately totalling upto 150 families). Some cables need to be upgraded for voltage loss.

(iv) For approximately 6 hours, water is supplied by the developer to the residents. If water is needed further, the developer supplies the water.

(v) All sewage is collected in sewage lines and pumped out by outsourced Mobile collection tankers as and when required by the developers considering the sewage build up in lines. STP is not functional as purchased on MBR Technology which needs 50% sewage load to operate. If the STP was on SBR Technology then it would have operated on 10% sewage load.

4. Learned counsel for complainant stated that report of Local Commissioner clearly shows that respondent has not fully complied with service plan estimates. He argued that two basic deficiencies must be rectified: firstly- creation of 33KV sub stations with installed capacity of 2*5 MVA as per electrification scheme sanctioned by UHBVN, Sonapat, which respondent was obliged to create but has failed to do so, secondly- provision of functional STP at site. He requested that respondent be also directed to provide all other facilities which he had promised to provide as per approved service plan estimates.



5. Respondent in his reply filed on 22.02.20221 has submitted that on 19.11.2018, Director, Town & Country Planning Department, Haryana has issued partial completion certificate duly certifying that development works namely water supply, sewage, storm water, drainage, roads and horticulture etc are complete over an area measuring 36.995 acres out of total licensed land measuring 84.155 acres being developed in terms of license no. 915-945 of 2006 dated 08.05.2006.

Further, for another area measuring 36.580 acres, application seeking part completion certificate submitted on 21.02.2018 is already under process and in this regard reports of various departments are under consideration. Further, an area measuring 7.30 acres has been freezed by the DTCP, Haryana and an area measuring 19 Kanal and 9 Marla has already been transferred to the Government of Haryana for various development works to be undertaken by the Government. It has been submitted that STP for the entire licensed project is already in place but practical difficulty is that it requires minimum number of occupancy before it can be made fully operational.

6. Authority has heard respective contentions of both parties and has gone through documents placed on record and observes that report of Local Commissioner clearly depicts that although certain number of families is residing in the colony but there exist certain deficiencies in the project which need to be rectified. Accordingly, respondent is directed to provide all



the amenities as were supposed to be provided in the approved service plan estimates of the project. Electricity infrastructure as promised and as got approved by UHBVN must be installed. Compliance of these directions must be done within 90 days of uploading of this order.

Respondent is directed to pay earlier imposed cost of ₹10,000/- payable to the Authority and ₹5,000/- payable to the complainant within ten days of uploading of this order.

7. In above terms, case is disposed of. File be consigned to record room and order be uploaded on the website of the Authority.




RAJAN GUPTA
[CHAIRMAN]


DILBAG SINGH SHIAG
[MEMBER]