



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 469 OF 2018

Max Heights Residents Welfare Association

....COMPLAINANT(S)

VERSUS

M/s Narang Construction & Finances Pvt. Ltd.

....RESPONDENT(S)

CORAM: Rajan Gupta
Dilbag Singh Sihag

Chairman
Member

Date of Hearing: 15.02.2022

Hearing: 24rd

Present through video call: - Sh. Rahi Mehra, Ld. Counsel for the complainant

Sh. R. Kartikeya, Ld. counsel for respondent

ORDER (RAJAN GUPTA- CHAIRMAN)

1. Today is 24th hearing of the matter. In previous proceedings since 2018 large number of findings have been recorded by Authority. All those findings will be considered part of this order.
2. Sum and substance of the matter now is that respondent had completed the project in the year 2013 and had got occupation certificate from the department concerned. Possession of the apartments was also handed over to respective allottees in the year 2013 itself. The allottees have been enjoying possession of their apartments since then. Even conveyance deed appears to have been executed in favour of the desirous complainants.
3. The Association of allottees, however, alleges numerous deficiencies in the project. Varieties of documents have been tendered from time to time in regard to those deficiencies. The case of the respondent is that they had completed the project and had duly received the occupation certificate.
4. Considering aforementioned facts, Authority is of the view that after nine years building depreciate. Some problems may have occurred on account of wear and tear and improper maintenance over the years. It is not possible for Authority to go back to the year 2013 and determine whether the project was duly and properly completed at that time. One fact, however, is certain that the building is not being maintained properly. Authority also

considers that there may have been gaps in infrastructure created by respondents at the time of handing over of possession.

5. Therefore, now the only issue that survives before the Authority in terms of provisions of RERA Act is that project deserves to be handed over to authorised Association of allottees alongwith details of facilities and infrastructure created in the project. If facilities created are less than the facilities approved in the services plan estimates and the builder buyer agreement, other building plans, the respondent is liable to fulfil those deficiencies. However, if respondents cannot do that, the cost of such deficiencies deserves to be determined for paying to the Association for doing requisite works at their level.

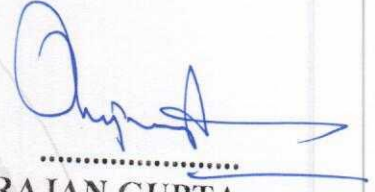
6. Accordingly, Authority directs the respondents to prepare a detailed handing over document stating therein the infrastructure facilities which was to be created in terms of approved estimates, and plans, or the assurances made to the allottees in agreements, and the facilities actually created. If there are gaps cost thereof shall be determined and respondents shall pay such cost to the complainant-Association.

7. Complainant-Association may at their own level also may get such estimates prepared. Both parties may exchange information and then arrive at a proper conclusion about handing over and taking over of the project to complainant-Association. It is reiterated that the Association which will take

over the project should be comprised of majority members as provided for in the provisions of RERA Act.

8. With these above directions, the matter is **disposed of**. If any dispute survives in this regard, both parties will be at liberty to approach this Authority again.

Disposed of. File be consigned to record room after uploading of this order on the website of the Authority.



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RAJAN GUPTA
[CHAIRMAN]



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DILBAG SINGH SIHAG
[MEMBER]

