



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 332 OF 2022

Parikrama Resident Welfare AssociationCOMPLAINANT(S)

VERSUS

Santur Developers Pvt. LtdRESPONDENT(S)

CORAM: **Rajan Gupta** **Chairman**
Dilbag Singh Sihag **Member**
Date of Hearing: 28.06.2022
Hearing: 2nd
Present:- Mr. Ashish Sharma, Representative of PRWA
Mr Kamal dahiya, Counsel for respondent

ORDER (RAJAN GUPTA-CHAIRMAN)

1. Present complaint has been filed by Resident Welfare Association of the project of the respondent namely 'Parikrama' Group Housing Society through its Ad-Hoc Committee seeking directions to respondent to execute conveyance deed of common areas and facilities in favour of Parikrama Resident Welfare Association(PRWA) which is a duly constituted RWA and to further transfer the amount of IFMS collected by respondent into the account of PRWA. Present Ad-hoc Committee was constituted on 17.02.2021 and was granted extension of

9

time on 23.02.2022 by District Registrar, Firms & Societies, Panchkula to manage day to day affairs and to conduct elections.

2. Shri Kamal Dahiya, learned counsel for respondent raised the issue of maintainability of this complaint on the ground that complaint is based on same facts that have already been adjudicated upon by this Authority in Complaint no. 679 of 2020 titled " Col Nagender Kumar Verma Vs Suncity Projects Pvt Ltd." decided vide order dated 30.11.2021. In the said order, authority had specifically observed that reliefs as prayed for can only be granted to registered RWA of the project through their executive body. Relevant part of order dated 30.11.2021 passed in Complaint no. 679 of 2020 is reproduced below:

"2. Authority observes that the relief claimed by present complainants can only be granted to duly constituted RWA through their executive body. This complaint is infructuous at present as said relief cannot be granted at this stage. It is presumed that the maintenance of the society alongwith other rights including IFMS amount shall be handed over by the promoter to the duly elected body after its due constitution. If RWA feels aggrieved in any manner by conduct of respondent-promoter said RWA may approach this Authority for enforcing obligations of promoter in accordance with principles of RERA Act. Further, if present complainants feels dissatisfied with workings of executive body of the RWA they may file a petition before Registrar of Societies for redressal of those grievances.



Accordingly this complaint is dismissed as being premature.”

Learned counsel Shri Dahiya argued that only a duly constituted RWA through its executive body has the right to represent before this Authority, whereas this complaint has been filed through the Ad-hoc committee which cannot be considered as duly elected body. Thus present complaint is not maintainable and is liable to be dismissed.

3. In light of above submissions, Authority reiterates its observations passed in Complaint no. 679 of 2020, as reproduced in para 2 of this order, and concludes that the relief claimed by the complainant/Ad-hoc Committee can only be granted to the duly constituted RWA. Said relief cannot be granted at this stage and thus this complaint is dismissed as being premature.

4. Case is disposed of. Order be uploaded on the website of the Authority and file be consigned to record room.

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RAJAN GUPTA
[CHAIRMAN]

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DILBAG SINGH SIHAG
[MEMBER]