



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 89 of 2019

Piyush Heights Residents Tower J & K
Welfare Association

....COMPLAINANT

VERSUS

Piyush Buildwell India Ltd.

....RESPONDENT

CORAM: Dr. Geeta Rathee Singh
Dilbag Singh Sihag

**Member
Member**

Date of Hearing: 20.10.2022

Hearing: 26th

Present: Ms. Aishwarya Dobhal, Id. Counsel for the complainant-
association
Mr. Roop Singh, Id. Counsel for non-associated members
Mr. Rahul Rathore, Id. Counsel for non- associated RWA
None for the respondent

ORDER (DILBAG SINGH SIHAG-MEMBER)

Ms. Aishwarya Dobhal Advocate, learned counsel for complainant-association has filed written submissions regarding updated status of members of association and their respective account details. She further pleaded that there are three pending issues; (i) registration of conveyance deeds (ii) handing over possession to 8 non-member allottees in compliance of orders of the Authority (iii) issue of scrap disposal.

2. Regarding registration of conveyance deeds, she submitted that after completion of the balance work of two towers of the project under supervision of Authority and with the help of representative of Deputy Commissioner and District town Planner, Faridabad, complainant-association has successfully handed over possession to the allottees on 26th November 2021. Thereafter, vide order dated 05.08.2022, Authority has ordered and directed respondent to participate in execution of conveyance deeds within 45 days from uploading of said order on request of association. Complainant-association issued a letter dated 20.09.2022 to the respondent for execution of orders of the Authority.

But respondent has started issuing cancellation notices to the allottees demanding further huge payments. Therefore, complainant-association has issued a legal notice dated 28.09.2022 to the respondent for withdrawing cancellation letters. Therefore, learned counsel for complainant-association prayed that respondent be precluded from taking such coercive actions and

registration of conveyance deeds be done through an authorised representative of the Authority.

3. Regarding issue of handing over possession to 8 non-member allottees, it is submitted that association has handed over possession to non-member allottees on 07.08.2022. However, key of the flat bearing no. K-412 could not be handed over to Ms. Poonam Rathore due to storation of leftover/unused scrap material in the said flat. She sought some time to hand over this flat to the allottee as soon as auction of scrap disposal will be finalised.

4. Regarding issue of disposal of scrap material, it is informed that the association has published an advertisement for auction of scrap material, vendors visited the site and inspected the material. However, main Piyush RWA again disrupted the process. Main Piyush RWA has lifted the material from J and K Towers. Therefore, police compliant has been lodged against main RWA and association will shortly auction scrap material under supervision of Naib Tehsildar and police protection.

5. Further, Mr. Roop Singh, counsel for non-associated members filed an application on behalf of one more non-associated members/allottees namely, Mr. Rajender Kumar for issuing directions to the association of Tower J and K to hand over possession of his apartment without any further delay that too without charging any additional amount as he has paid more than total sale consideration of his respective apartment. He is also ready to pay any amount



charged by the association from the members of the association on pro rata basis.

6. Mr. Rahul Rathore appearing on behalf of Piyush Heights RWA submitted that scrap material sought to be auctioned by the complainant-association belongs to whole society not to the complainant-association only. So, a direction be issued that scrap material be auctioned in a transparent manner and amount so recovered from this process be deposited in account of association.

7. After hearing all and considering papers on record, Authority observed that after completion of construction work of two towers by the association, possession of respective apartments has already been handed over to the members/allottees. Now, remaining responsibilities of the promoter is to execute conveyance deeds in the favour of allottees. Therefore, respondent is directed to cooperate in execution of conveyance deeds and to appear before competent authority within 45 days to do the needful. Regarding cancellation notices issued to the allottees demanding further huge payments, there is no record placed before the Authority by the respondent which proves that certain amounts are to be taken from these allottees. In the absence of any reliable document, it is ordered that respondents are debarred from issuing such letters till execution of conveyance deeds in favour of complainants/allottees. At any stage even after execution of conveyance deeds, he proves any outstanding amount against any allottee, the same can be asked from their allottees.



8. Another issue is regarding auction of scrap material, Authority in this regard orders that complainant-association should adopt a transparent mode for auctioning of scrap material and amount so recovered from that process shall be deposited in the account of complainant-association. Deputy Commissioner, Faridabad is directed to depute his representative to oversee the process of auctioning scrap material. Association shall maintain precise record of the process and shall deposit the amount in the account of association.

9. So far as issue of prayer of non-associated member to hand over possession to him is concerned, Authority has considered the same and is of the opinion that after paying nearly full sale consideration to the respondent company, allottee has acquired a vested/legal right in the property in question and such right cannot be denied to the allottees by the association. Authority is also of the view that association is to hand over possession of allotted apartment to all non-associated allottee on behalf of which application has been filed on the same principles which have been adopted in case of members of association. Association is entitled to recover outstanding dues from the allottees and the dues should be recovered on pro rata basis as has been paid by other members of the association.



10. With these directions, case is disposed of. File be consigned to room after uploading of order on the website of the Authority.



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DR. GEETA RATHEE SINGH
(MEMBER)



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DILBAG SINGH SIHAG
(MEMBER)

