

ARETE PHASE-I (Suo-Motu)
PROCEEDINGS OF THE DAY

Day and Date	Monday and 20.02.2023
Suo Motu Complaint No.	4280 of 2022
Complainant	Arete Phase-1, Home Buyer Association
Represented through	Suresh Sareen President
Respondent	International Land and Developers Pvt. Ltd.
Respondent Represented through	Sh. Bhupinder Singh (Counsel)
Proceeding Recorded by	Naresh Kumar

Brief History of the case
Dated 10.06.2022

A complaint vide CR. No. 4280 of 2022 has been filed by the Arete Flat Buyers Association on 10.6.2022. It is alleged that more than 8 years have passed since the launch of the project and the project is only about 10 to 15 % complete. No work is going on in the project for about three years. The project has been completely abandoned by the builder. The project was launched in the year 2013, the registration with the RERA was applied on 10.01.2019 which was much beyond the stipulated period of three months from coming into force of RERA Act, 2016 allowed for registration of the ongoing projects.

Dated 13.07.2022

A show cause notice for revocation of registration under section 7 of RERA 2016 and in addition to the order for forensic audit, quantum survey and freezing of your accounts should not be ordered by the authority.

Dated 20.08.2022

Promoter had submit a resolution plan to develop the project with collaboration with another developer and submit the reply of Questions asked in SCN.

Dated 22.08.2022

The association had requested to takeover the project under section 8 of the act.

1. Total no. of allottee 308 out of which only 67 were the member of home buyer association. Hence, it is directed that at least 2/3 of the total no. of allottees should be given their consent for taking over the project. The home buyer association directed to convey the annual general meeting and pass the necessary resolution in this regard.
2. The authority directed to home-buyers association and the promoter to submit a concrete resolution plan with the authority for it concurrence within 30 days.
3. The authority directs the promoter to provide the list of allottee along with contact details to the home buyer association.

ready to take up the project if the same is handed over to them in due process per section 8 of the RERA Act 2016. The complainant association seeks 4 weeks' time for obtaining the requisite mandate of majority of the allottees for taking up the project as per provisions of the RERA Act, 2016.

Dated 25.11.2022

A letter received from the Piramal Capital and Housing Finance Ltd. request to the authority not to pass any order without taking into account interest of the Piramal in respect of the project ILD Arete. The promoter group i.e., ILD group owed 210 crores to Piramal and the execution petition is pending before the Hon'ble High Court Delhi. Since the interest continue to accrue over the said amount.

Dated 21.12.2022

The complainant requested for adjournment of the matter and accordingly the matter is adjourned and fixed for hearing on 16.01.2023.

Dated 26.12.2022

A letter has been sent to the lender namely Piramal Capital and Housing Finance Ltd. and directed to appear before the authority and file response if any 10 days prior to the date fixed with an advance copy to the other side. If you fail to respond and file any reply it would mean you are not interested to contest the complaint and the matter would be taken up accordingly.

Dated: 16.01.2023

Adv. Bhupender Pratap Singh Counsel of the complainant has requested that the complainant association is working with all stakeholders to finalize the resolution plan. Accordingly, the counsel of the complaint seek time to submit a workable resolution plan before the authority. Keeping in view of the above the matter is adjourned and fixed for hearing on Monday, at 3 PM dated 20.02.2023.

PROCEEDINGS OF THE DAY

Sh. Bhupender Pratap Singh (Adv.), Sh. Rajiv Chopra and Sh. Arvind Khanna are present on behalf of the complainant.

Sh. Alimuddin is present on behalf of the promoter.

The counsel for the complainants states that out of 261 allottees, the consent of 149 allottees has been enlisted as a member of the association of allottees for resolution plan. The counsel for the complainants seeks one month time to enlist more allottees and to submit the resolution plan. Action regarding the forensic report dated 10.11.2022 shall also be reviewed.

An application has been filed on behalf of Piramal Capital and Housing Finance Limited which shall be taken up on the next date of hearing.

The matter to come up on 27.03.2023.


(Sanjeev Kumar Arora)

Member, HARERA, Gurugram

on leave

(Vijay Kumar Goyal)

Member, HARERA, Gurugram


(Ashok Sangwan)

Member, HARERA, Gurugram