



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 254 OF 2023

All in One RWS

....COMPLAINANT

Versus

1. Ansal Properties and Infrastructure Ltd
(Sushant City, Sec-12 Yamunanagar), New Delhi
2. Managing Director Union Bank Of India, Mumbai
3. Chief Secretary, Government of Haryana, Chandigarh. ...RESPONDENTS

CORAM:

Parneet S Sachdev	-	Chairman
Nadim Akhtar	-	Member
Dr. Geeta Rathee Singh	-	Member
Chander Shekhar	-	Member

Date of Hearing: 22.02.2024

Hearing: 6th

Present: Adv. Shiv Kumar Gupta, Id. counsel for the complainant-association.
None for the respondent no.1.

Adv. Naren Pratap Singh, Id. counsel for the respondent no. 2.

ORDER (PARNEET S SACHDEV -CHAIRMAN)

1. Perusal of case file reveals that today is sixth hearing in the case and none has appeared on behalf of respondent no. 1 nor reply has been filed till date. Further, in Performa B, parties name are mentioned as 'All in One RWS' as complainant with 'Ansal Properties and Infrastructure Ltd' as respondent

no.1 and 'MD Union Bank of India' as respondent no. 2. However, Memo of Parties does not tally with Performa B wherein, parties names are mentioned as 'All in One RWS' as complainant with Managing Director, Union Bank of India as respondent no.1 and the Chief Secretary, Government of Haryana as respondent no.2. Thus, on last date of hearing, i.e., 16.01.2024, the complainant was directed to file amended Memo of Parties according to Performa B with an advance copy supplied to opposite party so that respondents are able to file reply as per parties names mentioned in the Performa B. However, same has not been complied yet by complainant-association.

2. Further, Adv.Naren Pratap Singh, ld. counsel for Union Bank of India alleged that a writ petition was also filed by complainant-association before Hon'ble High Court of Punjab and Haryana, bearing CWP No. 3759 of 2023, pertaining to same subject matter and vide Authority order dated 20.09.2023, complainant was also directed to place on record a copy of CWP along with the orders of Hon'ble High Court. However, same have not been placed on record till date.
3. Today, ld. counsel for complainant-association stated that the present complaint has been filed collectively by association of allottees of the project "Sushant City (Phase II), Yamunanagar with a request to the Authority to immediately stay the entire ongoing operations of e-auction undertaken by 'Union Bank of India' to secure the interests of allottees. He




stated that Union Bank of India has already obtained the 25% bid amount in the final process of handing over the possession to the successful bidder. Therefore, if this move of respondent-banker is not restrained by way of stay /status-quo then irreparable loss shall occur to all the 148 plot allottees who have already paid almost full amount since long time back. Further, he requested the Authority that in the broader interest of the 657 plot allottees, allow the present complainant-association to take over project under their full control and charge of the complete affairs of this failed project by way of transferring all the licensing/permissions pertaining to the project, to complete the project under the new name and style for the better marketability of remaining unsold units. He further requested that all types of sale, transfer and purchase of project properties (including the 148 plots under bank e-auction) and all other plots be barred till the final outcome of this complaint and finalization of project. However, ld. counsel for complainant-association failed to answer to the Authority as to under which provisions of RERD Act, he is seeking aforesaid reliefs and which rights of allottees are violated, which he could not reply properly.

4. After going through the facts of the case, Authority came to know that present complaint has been filed by a group of only 80 allottees against a total of 657 allottees in the project in question and complainant-association is also unregistered. Therefore, Authority is of the view that the present complaint is non- maintainable on the ground that complaint has been filed




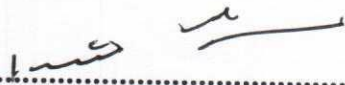
by a group of 80 allottees, out of total 657 allottees, which makes it clear that the said group of allottees and their association lacks majority to represent all of the allottees before the Authority. Hence the present complaint is **dismissed** for being non-maintainable. Further, the complainant is ~~directed~~^{free} to approach appropriate forums for redressal of their grievances. However, respondent no. 1 remains liable to pay the imposed cost of Rs. 10,000/- to the Authority and Rs. 5000/- to the complainant in compliance of orders dated 20.09.2023 of Authority.

5. File be consigned to record room after uploading on the website of the Authority.


.....
CHANDER SHEKHAR
[MEMBER]


.....
Dr. GEETA RATHEE SINGH
[MEMBER]


.....
NADIM AKHTAR
[MEMBER]


.....
PARNEET S SACHDEV
[CHAIRMAN]