

**BEFORE THE HARYANA REAL ESTATE REGULATORY
AUTHORITY, GURUGRAM**

Suo- Moto Complaint no. : 1909 of 2020
Order reserved on : 08.05.2023
Order pronounced on : 06.08.2024

Vedaanta Residents Welfare Association
(Through Sh. S. Ramanathan, Vice President)
Registration no. HR-018-2015-01673 dated
05.03.2015 under Haryana Registration and Regulation
of Societies Act, 2012
Regd. Office: - Vedaanta Residents Welfare
Association, Vedaanta Residential Complex, Sector-
108, Gurugram Haryana - 122001

Complainant

Versus

M/s Raheja Developers Limited.
Regd. office: W4D, 204/5, Keshav Kunj, Western
Avenue, Cariappa Marg, Sainik Farma, New Delhi-
110062
Corporate office: 406, Rectangle One, D-4, District
Center, Saket New Delhi- 110017.
Also, at: - Raheja Mall, 3rd Floor, Sector- 47, Sohna
Road, Gurugram - 122001

Respondent

CORAM:

Shri Vijay Kumar Goyal
Shri Ashok Sangwan
Shri Sanjeev Kumar Arora

Member
Member
Member

APPEARANCE:

Shri Aaditya Vijay Kumar (Advocate)
Shri Garvit Gupta (Advocate)

Complainant/Association
Respondent/promoter

ORDER

1. A license bearing no. 204 of 2007 dated 11.08.2007 for development of Residential Group Housing Colony on an area measuring 10.668 acres by the name of "Vedaanta Residential Complex" in sector- 108,

Gurugram (herein after referred to as the project) was issued by DTCP, Haryana. An occupation certificate dated 17.11.2014 and 03.06.2016 of the project was obtained by the promoter/respondent from the competent authority and the details of the said OC's are mentioned in the table below. The project consisted of towers A to I, having 537 units and 535 units were allotted to different allottees.

A. Unit and project related details

2. The particulars of the project have been detailed in the following tabular form:

S. No.	Heads	Information
1.	Project name and location	"Raheja Vedaanta", Sector 108, Gurugram.
2.	Licensed project area	10.668 acres
3.	Nature of the project	Residential group housing colony
4.	DTCP license no.	204 of 2007 dated 11.08.2007
	Validity status	10.08.2017
	Licensee details	Pinne Industrial Consultants Pvt. Ltd.
5.	Total no. of towers in the project	9 towers
6.	Occupation certificate details	<p>OC received dated 17.11.2014 for tower/block-</p> <ul style="list-style-type: none"> ➤ A (ground floor to 19th floor) ➤ B (ground floor to 19th floor) ➤ IF (Type A-7 no's) (ground floor to 3rd floor) ➤ EWS (ground floor to 4th floor) ➤ Basement under Block- A, B, and IF (Type-A) <p>OC received dated 03.06.2016 for tower/block-</p> <ul style="list-style-type: none"> ➤ IF Type-B (ground + 1ST floor and 2nd floor) ➤ Commercial (Ground floor)

		➤ Community Building (ground + 1 ST floor)
7.	HRERA registered/ not registered	Not registered

A. Facts of the case:

3. The complainant/association has made the following submissions:
4. That M/s Raheja Developers Limited (Builder/Promoter) had constructed the high-rise project named "Vedaanta Residential complex" consisting of A,B,C,D,E,F,G,H and I residential towers at Sector 108, Gurugram. The project has not been formally completed but had been provided for occupation to residents for residential purposes from the year 2015.
5. That there was seepage in the basement of G, H and I towers of the said complex prior to 2018. The elected President of statutorily recognised "Vedanta Residential Welfare Association" (VRWA) after observing the stagnated water at GHI basement wrote to RDL for immediate correction/repairs of the GHI basement. As there was no response from RDL despite his repeated requests, he through his personal association with a defence expert and IIT Delhi Civil Engineering Department, suo-moto got the inspection done of GHI basement in said complex and obtained a detailed Civil Engineering Report from IIT - Delhi, which clearly stated that *"use of untested material, poor quality control, poor construction practice and management resulted in endangering the (concrete) columns and the building. Immediate action must be taken to save the columns by carrying out special repairs on urgent basis. Leaving the distress unattended forever can endanger the structural safety in future."* Further, Senior Town Planner, Gurugram

had agreed to IIT experts report wherein it is mentioned that the cracks in the columns are due to rebar corrosion, expanding red-rust pressure had initiated the cracks, water logging is due to ground water seepage possibility at the junction of stich-slab and raft and distress due to sub-standard civil work done by RDL in GHI basement endangering the lives of residents residing in GHI towers consisting of 151 flats.

6. On reference to the Director General Town and Country Planning (DGTCP), Chandigarh and Senior Town Planner (STP) Gurugram, to implement the immediate repairs to the basement as per recommendations of IIT Delhi experts, DGTCP had issued a memo bearing no. ZP-295/AD(RA)/2020/6949 dated 14-3-2020 to RDL to rectify the deficiencies within a period of one week and till that time to stop all the development works in all the licensed colonies being developed by RDL/RDL Group companies failing which action under Section 10 of the Act of 1975 for putting the lives of residents in danger and violation of terms and conditions of afore-mentioned statute, would be taken. DGTCP had further directed the DTP, Gurugram to ensure implementation of the former's directive as above, inter-alia directing the DTP to file an FIR against RDL if the colonizer (Builder/RDL) fails to rectify the structural deficiencies within a week of 14.3.2020.
7. Since the directive of DGTCP has not been implemented till date, the Authority may kindly pass appropriate orders/directions to RDL/Builder to ensure immediate rectification of the structural deficiencies as per the expert report of IIT Delhi under strict supervision of DTP, Gurugram and in coordination with VRWA.

8. That as per Section 14(3) of the Act of 2016, it would be the responsibility of M/s Raheja Developers Limited to rectify any structural issues such as stability and safety of the building for the initial period of 5 years from construction/obtaining permission from statutory Authority i.e. Gurugram Development Authority (GDA), which was obtained by RDL only in 2016. Section 14(3) of the Act of 2016 clearly states as follows:

Violation of Section 14 (3) of Haryana Real Estate Regulation Act 2016:

"In case any structural defect or any other defect in workmanship, quality or provision of services of any other obligations of the promoter as per the agreement for sale relating to such development is brought to the notice of the promoter within a period of five years by the allottee from the date of handing over possession, it shall be the duty of the promoter to rectify such defects without further charge, within thirty days, and in the event of promoter's failure to rectify such defects within such time, the aggrieved allottees shall be entitled to receive appropriate compensation in the manner as provided under this Act".

9. Another serious issue is the continuous falling of debris viz plasters and huge concrete chunks from the outer facade of the high rise residential complex owing to use of sub-standard construction material and non-maintenance of the towers may cause serious injury to residents. Therefore, it is requested that appropriate orders /directions may be passed.

B. Reply by respondent:

10. The respondent/builder has made the following submissions:
11. That the representation made by Vedanta Residential Welfare Association of Vedaanta Residential Complex does not fall under the jurisdiction of this Hon'ble Authority as it is neither registered with the Hon'ble Real Estate Regulatory Authority nor it is registerable with the Authority under the provisions of the Act of 2016 and the Haryana Real

Estate (Regulation & Development) Rules, 2017 and regulations made thereunder. As such, the representation should be liable to be dismissed on this ground alone.

12. That the Vedanta RWA is doing forum shopping as earlier they have filed their representation before DTCP Haryana at Chandigarh which is seized with the matter.
13. That the developer Company had obtained license no. 204/2007 on 13.08.2007 for construction of a Group Housing Project named as "Vedaanta" on land measuring 10.793 acres situated at Village Dharampur, Sector- 108, and Gurugram.
14. That the Developer Company awarded and executed the work contract for construction of Group Housing Project "Vedanta" Tower G to I consisting of 3 no.s. Towers, Basement, Villas and other structures in favour of M/s Topline Build-Tech Pvt. Ltd. Disputes have already been arisen between the developer and the contractor company and the same is pending adjudication before the Ld. Arbitral Tribunal consisting of sole arbitrator Justice Rekha Sharma (Retd).
15. That after completion of the construction of the said project, the developer company applied for Occupation Certificates (OC). Subsequently, the Department of Town and Country Planning, Haryana granted two occupation certificates dated 17.11.2014 and 03.06.2016 with respect to the said project.
16. That in the month of August 2019, the developer company was informed by the RWA of the said project that due to the bad workmanship there was consistent water seepage and accumulation in basement, and cracks had developed in most of the columns /pillars and plaster was ripping off at many places thereby endangering the life

and property of the residents of the project/structure constructed by the contractor. That this was accordingly brought to the notice of the contractor vide email dated 20.09.2019, whereby the contractor was intimated about the structural defects and subsequently was asked to rectify the defects immediately. However, the contractor company gave a vague and evasive reply dated 28.09.2019 to it wherein they argued that the guarantee of structure had expired as they left the project site long time back and rejected the claims made by the developer company.

17. That in the meantime, the RWA, got the work done by the contractor company inspected/investigated by two civil professors with civil engineering background of IIT Delhi, who gave their findings and the same was forwarded to the developer company by the President of the RWA vide email dated 22.01.2020. They further gave their representation to CM window Haryana who in turn directed Senior Town Planner to discuss the possible solutions. The Senior Town Planner also conducted a survey at the project site and prepared a report dated 14.02.2020 citing reasons for the structural defects in the building of the project site and forwarded the report to Director General, Town and Country Planning Haryana who took the cognizance and issued show-cause notice to the developer. It is pertinent to mention herein that all the three defects as mentioned in both the reports were results of bad workmanship of the contractor company.
18. That in furtherance to the e-mail dated 20.09.2019 sent to the contractor company regarding structural defects in the building of the said project, the developer company again issued a letter dated

03.03.2020 to the contractor company intimating about the inferior quality of work with poor workmanship due to which there was high amount of leakage in the basement of the project site as reflected in report prepared by the Senior Town Planner, Haryana. Accordingly, the contractor company was asked to address and rectify the defects in terms of the work order. However, it paid no heed to any letters or e-mails sent by the developer company.

19. That the Vedanta RWA has failed to bring on record that a meeting was conducted on 16.03.2020 under the chairmanship of the Hon'ble Chief Minister of Haryana in the presence of the representatives of Vedanta RWA and the developer company whereby he directed District Town Planner, Haryana to discuss the possible solutions in order to rectify the structural defects. Subsequently, a meeting was conducted on 17.03.2020 at office of DTP, Haryana in the presence of members of Vedanta RWA and representative of the developer company whereby the developer company was directed to conduct a survey of G, H and I Towers in the said project and submit the report within 7 days and further intimated that the next meeting was scheduled to be on 24.03.2020. Thereafter, the developer company sent a letter dated 18.03.2020 to the office of DTP, Haryana intimating that they had appointed the structural consultant to visit the site on 19.03.2020 to accordingly prepare an action plan. DTP, Gurugram, was further requested to send the concerned staff at the project site to carry out the inspection. This clearly shows the bona fide intention of the developer company to help in rectifying the structural defects at the project-site.

20. That due the COVID-19 pandemic, lockdown was announced on 22.03.2020 because of which the survey could not be conducted at the project site and the issue could not get resolved. However, as soon as the lockdown was lifted the developer company approached Mr. Gautam Sen then RWA President several times. However, he did not permit the team to enter the premises to conduct the survey in order to find out the resolution to the problem. The same issue has occurred in the past too when the RWA did not allow the team of the developer company to enter the premises, failing which the developer company could not liquidate the available inventory.
21. That from first week of June, 2020 onwards, the office of DTP, Haryana had again taken up the issue and was pressurizing the developer company to rectify the defects as investigated by it and cited in the letter issued by STP, Haryana dated 14.02.2020 and show cause notice dated 14.03.2020.
22. That in this process DTP, Haryana also called and proposed a meeting in its office at Gurgaon on 17.06.2020 for further action to be taken in the matter. That as it was the contractor company who had executed all the three defects complained of, the developer company served a notice dated 16.06.2020 through its counsel calling upon the contractor company to attend the meeting at the office of DTP, Gurugram on 17.06.2020 to clarify its position and or to give proposal and program to rectify the defects. But, it did not attend the meeting dated 17.06.2020. Thus, the developer company attended the said meeting wherein the DTP suggested the method of rectification and directed such rectifications to be carried out. Subsequently, the developer company has started the repairing work as per the

directions and suggestions received from DTP, Gurugram. However, as the contractor company had executed all the three defects complained of in the said project and has failed miserably to address the concerns forwarded by the developer company in the past regarding the structural defects, the developer company has filed an application dated 15.07.2020 before the Ld. Arbitral Tribunal consisting of sole arbitrator Justice Rekha Sharma (Retd.) to issue directions to the contractor company to rectify the structural defects. In light of the above submissions made by the developer company it is humbly prayed to the Authority to withdraw the show cause notice.

23. The Haryana Real Estate Regulatory Authority, Gurugram has received representation from "Vedanta Residential Welfare Association" of Vedanta Residential Complex consisting of towers A, B, C, D, E, F, G, H and I, located at Sector 108, Gurugram-122001 alleging gross violations of section 14(3) of the Real Estate (Regulation and Development) Act 2016 by the promoter i.e., M/s Raheja Developers Limited.
24. In the representation it has been stated that though the project was not completed, and even now completion certificate for the project has not been obtained from the competent authority. It has been alleged by the RWA that there are certain defects in the quality of construction resulting in issues such as seepage in the basement of G, H and I towers even prior to 2018 and the same has been brought to the notice of the promoter, but the promoter failed to rectify the defects. Therefore, the president of the RWA suo- motu got the inspection done from Dr. Arnab Banerjee and Dr. Bishawjit Bhattacharjee, Civil Engineers, IIT, Delhi for tower G, H and I and got a detailed Civil Engineering Report in March

2020, which clearly stated that "*use of untested material, poor quality control, poor construction practice and management has resulted in endangering the (concrete) columns and the building*". Also, there were issue of continuous falling of debris and huge concrete chunks from the outer facade of the towers.

25. Therefore, after considering the above said representations made by the RWA through its President, the authority while exercising its power under section 35 of the Act of 2016, took suo moto cognizance of the matter on 02.07.2020, and issued a show cause notice for violation of sections 3, 4, section 11 and sec 14(3) of the Act of 2016, to the promoter for non-fulfilment of liability by it to rectify the structural defects within a period of five years from the date of handing over of possession which led to the initiation of the present suo-moto proceedings in complaint bearing no. **CR/1909/2020**.
26. Further, DTCP, Haryana has also issued a show-cause notice to the promoter vide memo no. ZP-295/AD(RA)/2020/6946, dated 14.03.2020 and informed that the senior Town planner forwarded a copy of the complaint received in DTCP along with the minutes of the meeting dated 06.02.2020 to the promoter. The show cause notice states that while forwarding the minutes of the meetings, STP, Gurugram has informed that he has gone through the report of Dr. Arnab Banerjee and Dr. Bishawjit Bhattacharjee, civil engineer, IIT Delhi wherein it is mentioned that cracks in the columns are due to rebar corrosion, expanding red rust pressure have initiated the cracks, water logging is due to ground water seepage possibility at the junction of stich-sab and raft and distress from decoration pin points towards use of untested material, poor quality control, poor

construction practice and management, resolutely damage the building. Accordingly, the promoter was directed to rectify the deficiencies mentioned above, within a period of one week and till that time to stop all development works in all the licenced colonies being developed by the promoter company, failing which action under section 10 of the Act of 1975 shall be initiated for putting the life of residents in danger and violation of terms and conditions of the licence.

C. Relief Sought by the Complainant/Association:

27. The complainant-association has sought following relief(s):
- I. To ensure immediate rectification of the structural deficiencies at GHI basement, as per the expert report of IIT Delhi under strict supervision of DTP, Gurugram and in co-ordination with VRWA and,
 - II. To rectify the above - mentioned issue of falling debris viz plasters and huge concrete chunks endangering the lives of residents in Vedanta Towers as it would be violation of applicable law being done by builder, and an appropriate penalty may be imposed under Section 38 (1) of the Act of 2016, on the builder.
28. Copies of all the relevant documents have been filed and placed on the record. Their authenticity is not in dispute. Hence, the complaint can be decided on the basis of these undisputed documents and submission made by the parties.

D. Jurisdiction of the authority

29. The respondent-promoter has also raised the contention that the said project of the respondent is a pre-RERA project as the Department of

Town and Country Planning, Haryana granted two occupation certificates dated 17.11.2014 and 03.06.2016 with respect to the said project i.e., before the coming into force of the Act, 2016 and Rules, 2017. As per proviso to section 3 of Act of 2016, ongoing projects on the date of this Act i.e., 28.07.2017 and for which completion certificate has not been issued, the promoter shall make an application to the authority for registration of the said project within a period of three months from the date of commencement of this Act and the relevant part of the Act is reproduced hereunder: -

Provided that projects that are ongoing on the date of commencement of this Act and for which the completion certificate has not been issued, the promoter shall make an application to the Authority for registration of the said project within a period of three months from the date of commencement of this Act;

30. The legislation is very clear in this aspect that a project shall be regarded as an "ongoing project" until receipt of completion certificate. It is important to note that till date, the respondent/builder has not obtained the completion certificate from the competent Authority till date. After taking note of the statutory provisions of Section 3 of the Act of 2016, it is observed that the Act of 2016, is retroactive in nature and covers all ongoing projects for which completion certificate has not been issued.

31. Further, the Hon'ble Supreme Court of India in ***Civil Appeal No(s). 6745-6749 of 2021 titled as M/s Newtech Promoters and Developers Private Limited vs. State of U.P and Ors.*** Observes that:

52. The Parliament intended to bring within the fold of the statute the ongoing real estate projects in its wide amplitude used the term "converting and existing building or a part thereof into apartments" including every kind of developmental activity either existing or upcoming in future under Section 3(1) of the Act, the intention of the legislature by necessary implication and without any ambiguity is to include those projects which were ongoing and

in cases where completion certificate has not been issued within fold of the Act."

32. Therefore, in view of the above, the plea advanced by the respondent/promoter is hereby rejected.
33. Before proceeding further, it would be appropriate to make brief reference to the developments made in the present matter chronologically. The important orders passed in the case are re-capped as under:
34. With regard to the show cause notice dated 02.07.2020 issued by the Authority, the respondent/promoter has submitted a reply dated 24.07.2020 wherein it stated that in August, 2019, the promoter was informed by RWA that due to bad workmanship there was consistent water seepage and accumulation in the basement and cracks had developed in most of the columns/pillars and plaster was ripping off at many places thereby endangering life and property of residents. This was brought to the notice of the contractor vide email dated 20.09.2019, whereby the contractor was intimated of the structural defects and asked to rectify them immediately. Thereafter the developer company sent a letter dated 18.03.2020 to the office of the DTP, Haryana intimating that they had appointed the structural consultant to visit the site on 19.03.2020 to accordingly prepare an action plan. However, due to the COVID-19 the survey could not be conducted at the project site. However, as soon as the lockdown was lifted the developer company approached Mr. Gautam Sen, then President of RWA several times. However, he did not permit the team to enter the premises to conduct the survey in order to find out the resolution to the problem. Further, subsequent to the meeting with the DTP, Haryana on 17.06.2020, the developer company started the

repairing work as per the directions and suggestions received from DTP, Gurugram.

35. In proceeding dated 10.09.2020, after hearing oral arguments of the parties at length, the authority directed Mr. Gautam Sen, President of RWA to submit an exhaustive list of structural defects in the towers A,B,C,D,E, F,G,H, and I of the project in question to the Authority and a copy to the respondent/promoter by 14.09.2020. Also the respondent /promoter was directed to submit a dedicated deadline to rectify those defects on the next date of hearing.
36. In proceeding dated 22.09.2020, the Authority directed the respondent/promoter to submit complete details of the unsold inventory along with the exact date by which the promoter commits to complete the rectification work.
37. In proceeding dated 29.09.2020, the Authority directed the respondent/promoter to submit complete details of the unsold inventories by tomorrow i.e., 30.09.2020, failing which they shall submit a bank guarantee of Rs.2 Crores in the Authority and in case the promoter fails to comply with the direction of the Authority regarding rectification of structural defects within the time period stipulated by the Authority i.e. 31.03.2021, the bank guarantee shall be forfeited. Further, the respondent/promoter was directed to not to ~~sell~~ any unsold inventory until the structural defects are rectified by it. In case, the promoter fails to rectify the afore said defects within the time frame, as directed by the Authority, unsold inventory shall be put to auction and the money realized from the auction will be utilized towards rectification of structural defects.

38. In proceeding dated 13.10.2020, an application for enforcement of order dated 29.09.2020, was filed by the RWA stating that the list of unsold inventories submitted by the promoter on affidavit dated 30.09.2020 is incomplete as they have disclosed only two penthouses bearing nos. F-091 and I-181 in Tower F and I respectively, but in fact they have a total of 7 units in the project. Accordingly, the authority in exercise of its powers vested under section 35 of the Act of 2016, appointed Mr. Ramesh Kumar Garg, Chief Project Monitoring Engineer to inquire into the issue of non-disclosure of complete information regarding unsold inventory and submit a report in this regard before the Authority. Thereafter, on proceeding dated 02.04.2021, the A.R, architect and senior legal represent of the respondent/promoter made a commitment that the defects shall be removed by 30.06.2021.
39. In proceeding dated 07.09.2021, Mr. Ramesh Kumar Garg, Chief Engineer, brought on record that out of 128 pillars, which have now increased to 166, so far repair work has been done in 140 pillars and that too in G,H and I basement. Further, in A to F basement repair work of 108 columns have been completed out of 126 columns which are required to be repaired. However, there is no much progress as far as seepage of water from ground is concerned as only pumping as a temporary measure is being done. Accordingly, on non-completion of work within the stipulated time i.e., 30.06.2021, the authority directed that a notice on account of non-completion of work may be given to the promoter for imposing a penalty of Rs.10,000/- per day which amounts to Rs.9 lacks in addition to penalty of Rs.1 crore with an interim direction that the attachment order with respect to unsold inventories will continue.

40. In proceeding dated 27.09.2021, last opportunity was granted to the promoter to complete the repair works by 31.12.2021, with an interim direction that the penalty for per day delay shall continue and the attachment orders regarding attachment of unsold inventories will continue till satisfactory completion of the repairs works with a future guarantee of five years.
41. In proceeding dated 12.10.2021, the promoter has filed an affidavit vide which it has undertaken to complete the work at site by December 2021. After hearing both the parties the authority allowed the promoter to complete comprehensive repair works for towers G to I by 31.12.2021, and for towers A to E by 15.01.2022 and the promoter was directed to submit a status report of the repair work on affidavit by 01.12.2021 with the direction that previous direction of the Authority w.r.t. imposition of penalty and attachment of unsold inventories shall continue.
42. In proceeding dated 15.12.2021, two status report dated 29.11.2021 and 15.12.2021 was submitted by the nodal officer appointed by the Authority indicates that there is hardly any progress with respect to the repair works. Thereafter, the counsel for the respondent made a request for a 15 days extension for completion of all repair works with respect to tower G to I and the said request was allowed by the Authority. Further, the promoter was directed to submit a "removal of structural defect report" that is supposed to have been prepared by the promoter within 7 days.
43. In proceeding dated 07.02.2022, the counsel for the respondent contended that the more than 90% of the repair works have been finished. However, the Chief Monitoring Engineer of the Authority

stated that a substantial portion of work as per the defect rectification list is still pending for completion.

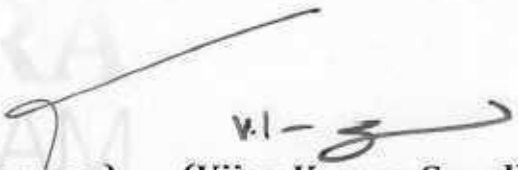
44. In proceeding dated 30.11.2022, the Authority directed the respondent/promoter to submit a status report of the repairs work of the defects till the next date of hearing. However, the said report has not been submitted till date. Further, after getting various complaints regarding structural issues in the high rise societies threatening to the lives of the residents, the DTCP, Haryana has decided to get the structural audit done in various colonies situated in Gurugram including "Raheja Vedanta" vide memo bearing no. 5517-17 dated 23.02.2022. Therefore, in view of the letter mentioned above the Authority sought report with regard to the project in question from the DTCP, Haryana vide letter dated 17.11.2022 as well as from STP, Gurugram, DTP(P), Gurugram and DTP(E), Gurugram vide letter dated 01.12.2022. Thereafter, a written request through e-mail was received from the office of DTP, Gurugram requesting some time to send the report. However, the status report is still awaited.
45. As per Section 14(3) of the Act of 2016, the respondent /promoter is obligated to rectify the defects brought to the notice of the promoter within a period of five years from the date of handing over of possession, without further charge. However, despite multiple opportunities already granted, the respondent/promoter has failed to complete the repair work till date. Therefore, considering the indefinite delay on part of the respondent as well as interest of large number of allottees, the Authority is proceeding further with the present complaint and the authority hereby passes this order and issues the following directions under section 37 of the Act to ensure

compliance of obligations cast upon the promoter as per the function entrusted to the authority under section 34(f):

46. In pursuance to the reports available on record, the respondent /promoter is directed to rectify the remaining structural deficiencies as mentioned in the LC report of the Authority and the respondent is also under obligation to rectify the deficiencies, if any, found in the structural audit report issued by the District Administration Gurugram within a period of three (3) months. If any such defect and deficiencies remains and is not rectified by the respondent/promoter within the time allowed, then the complainant/association is free to approach the Adjudicating Officer for claiming the relief of compensation, if any.
47. The respondent/promoter is further directed to not to create any third party rights against the attached unit vide order dated 29.09.2020 till the defects mentioned in the report of District Administration Gurugram are rectified.
48. All the pending applications, if any, are also disposed off.
49. Complaint stands disposed of.
50. File be consigned to registry.


(Sanjeev Kumar Arora)
Member


(Ashok Sangwan)
Member


(Vijay Kumar Goyal)
Member

Haryana Real Estate Regulatory Authority, Gurugram

Dated: 06.08.2024