



<b>PROCEEDINGS OF THE DAY</b>		<b>64</b>
Day and Date	Tuesday and 17.09.2024	
Complaint No.	CR/1307/2023 Case titled as Dr. Simendra Kumar Mahato VS Ansal Properties and Infrastructure Private Limited & Landsky Maintenance Services Pvt Ltd. & Star Facilities Management Ltd. & Ansal Plaza Shops and Owners and Traders Association	
Complainant	Dr. Simendra Kumar Mahato	
Represented through	Shri Vishal Yadav proxy counsel	
Respondent	Ansal Properties and Infrastructure Private Limited & Landsky Maintenance Services Pvt Ltd. & Star Facilities Management Ltd. & Ansal Plaza Shops and Owners and Traders Association	
Respondent Represented through	Shri R.A. Gupta Advocate for R1 to R3 Shri Alok Ahlawat Adv. for R4	
Last date of hearing	28.05.2024	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

**Proceedings-cum-order**

The present complaint was filed on 31.03.2023 and the reply on behalf of respondent no. 4 was filed on 31.08.2023 and reply on behalf of respondent no. 1-3 was filed on 27.02.2024 jointly.

The complainant in its complaint stated that the Ansal Plaza Mall, Palam Vihar, Gurgaon was completed in 2008 and in the same year received the Completion Certificate from the Director Town and Country Planning, Haryana at Chandigarh vide Memo No 1755 dated 21.04.2008. Pursuant to that Ansal API has submitted deed of declaration of the 'Ansal Plaza- Palam Vihar' with Sub-Registrar, Gurgaon, registered as document no. 9703 dated 18.07.2008, as required by Haryana Apartment Ownership Act, 1983 and



**HARERA**  
**GURUGRAM**

**HARYANA REAL ESTATE REGULATORY AUTHORITY**  
**GURUGRAM**

CR/1307/2023  
हरियाणा भू-संपदा विनियामक/प्राधिकरण, गुरुग्राम

New PWD Rest House, Civil Lines, Gurugram, Haryana नया पी. डब्ल्यू. डी. विश्राम गृह, सिविल लाईंस, गुरुग्राम, हरियाणा

**Haryana Apartment Ownership Rule 1987.**

Further the respondent, instead of handing over the maintenance of the mall to Respondent No. 4, the Respondent No. 1 appointed Respondent No. 3 i.e. Star Facilities Management Limited for its maintenance. Since Respondent No. 3 was not maintaining the building properly, the Complainant and other allottees have intimated the Respondent No. 1 and 3 regarding the inconvenience caused to them through various platforms like WhatsApp/ email. And thereafter, the Respondent No. 3 namely "Star Facilities Management Limited" was terminated from its services on 28.11.2021. Once again after the termination of R3 from its services the respondent no. 1 instead of handing over the maintenance to R4 appointed R2 on 24.12.2021 as the maintenance agency which is again the violation of provisions of RERA, 2016.

Also, the Former Administrator Mr. Suresh Malik served a letter dated 19.11.2022 to Respondent No. 1 & 2 to handover the maintenance and administration of Ansal Plaza Mall to the Respondent No. 4 along with the directions of Director General of Town and Country Planning Haryana, Chandigarh vide memo no. PF-40B/JE(BR)/2012/20310-311 dated 10.10.2012.

As on date the Respondents are collecting the amount by the way of extortion and also threatening the innocent shop owners, who are raising their voices against the ill-practices of the Respondents. That the present administrator of the Respondent No. 4 is allowing the Respondent No. 2 to collect money but as per the Deed of Declaration vide document no. 9703 dated 18.07.2008, only the Association has power to collect money.

The complainant in its complaint is seeking the following reliefs:

1. Direct the Respondent No. 2 to handover the maintenance and administration of the property in accordance with law to the Respondent No. 4.
2. Direct the Respondent No. 1 to stop interfering in the administrative work of the mentioned property.
3. Restrain the Respondent No.1 from appointing any third party for the maintenance of the property.
4. It is further prayed that the amount of the litigation expenses and the costs may be directed to be paid by the Respondent to the Complainant.



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New PWD Rest House, Civil Lines, Gurugram, Haryana


नया पी. डब्ल्यू. डी. विश्राम गृह, सिविल लाईंस, गुरुग्राम, हरियाणा

The respondent no. 1-3 in their reply stated that there is no privity of contract between the complainants and the answering respondents and accordingly, the complainant is not entitled for any relief claimed for.

The respondent no. 4 has filed an application under O1 R 10 (2) r/w section 151 of CPC, 1908 for striking out the name of respondent no. 4 since the said association was defunct at the time of filing of this complaint and came into existence on 06.08.2023 only through proper election procedure. Respondent no. 4 also stated that it is relevant to mention that till date respondent no. 4 has no control over the day-to-day affairs since the money has been collected and managed by R2 who is duly appointed by R1.

The present complaint is not maintainable and the same is dismissed. File be consigned to the registry.

  
Ashok Sangwan  
Member

  
Vijay Kumar Goyal  
Member  
17.9.2024