

BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL

Appeal No.887 of 2022

Date of Decision: 10th January, 2025

Rajinder Singh Chahal son of Sh. Hardev Singh, House NO.
126, New Town, Ratia

Appellant.

Versus

Akashganga Township Pvt. Ltd., B-4/45, Safdarjung Enclave,
New Delhi

Respondent

Present : Mr. S. N. Pillania, Advocate for the appellant.
Mr. Shubhnit Hans, Advocate for the respondent.

CORAM:

Justice Rajan Gupta
Rakesh Manocha

Chairman
Member (Technical)

ORDER:

RAJAN GUPTA, CHAIRMAN

The present appeal has been filed against the order dated 26.04.2022 passed by the Authority¹.

2. At the initial stage, the complainant raised a grievance that basic amenities such as pure drinking water, water treatment plant, sewerage treatment plant, proper roads, energy backup etc. had not been provided in the project in question. The complaint was, however, dismissed on the ground that the complainant had not supported his claim with

¹ Haryana Real Estate Regulatory Authority, Panchkula

sufficient material. As a result, this Bench deemed it fit to pass order dated 03.07.2023 which reads as under:

“Appellant has preferred this appeal against the order passed by the Ld. Authority, wherein, he alleges that number of amenities such as pure drinking water, water treatment plant, sewerage treatment plant, roads and energy backup have not been provided by the builder.

Counsel representing the respondent has refuted this fact. A query has been put to him whether a Local Commissioner can be appointed to verify all these alleged lack of amenities. He submits that he has no objection to this.

However, as learned counsel for the appellant is not present, we deem it fit to adjourn the matter.

To come up on 23.08.2023.”

3. The Bench also directed DGTCP to depute a competent officer not below the rank of DTP to visit the site and submit a report regarding amenities available in the project in question and also to apprise this Bench whether they are lacking in any respect.

4. Report dated 02.01.2024 was received. Operative part thereof reads as under:

“On the subject cited above, it is humbly submitted that in compliance of order dated 23.08.2023 passed by the Hon’ble Justice Rajan Gupta, Chairman, Haryana Real Estate Appellate Tribunal and Anil Kumar Gupta, Member (Technical), undersigned has personally visited the site Akashganga Township Pvt. Ltd. on 28.12.2023 and found the potable drinking water, sewerage treatment plant, roads, street lights, power supply issued by DHBVNL, parks and rain water harvesting are working at site. Report is

submitted for information and further necessary action please.”

5. This Bench, however, felt that an affidavit of the promoter i.e. Akash Ganga Township Pvt. Ltd. was also necessary in order to allay any apprehension in the mind of the allottee.

6. On 11.07.2024, detailed affidavit of Mr. Raurav Katoch son of Mr. K. C. Katoch, one of the Directors of M/s Akash Ganga Township Pvt. Ltd. was also filed. Same reads as under:

“I, Gaurav Katoch son of Shri K. C. Katoch, resident of D-8/8189, Vasant Kunj, New Delhi, Director of M/s Akash Ganga Township Pvt. Ltd., Ratia do hereby declare as under:

1. That Ms. Akash Ganga Township Pvt. Ltd. has been granted license to set up a residential plotted colony on 31.193 acres of land in Sector 6, Ratia, District Fatehabad which includes the original 26.218 acres (License No. 224 of 2007 dated 19.09.2007) with an additional land of 4.975 acres (License No. 19 of 2016) dated 11.11.2016).

i. Roads: Development Completed.

The roads in the colony have been planned and constructed. The roadside plantation has been done for all roads. Parks have been developed by providing lawns etc. And are regularly maintained.

ii. Water Supply: Completed.

The water pipelines are laid in the colony. The source of water supply in this area is tubewell equipped with an electrically driven pumping set-Ejecto type or submersible pump for operation and necessary D.I. pipes conforming to relevant IS standards along with valves and specials are laid.

iii. Sewerage :Completed.

The sewer lines have been laid using necessary S.W. pipes. Manholes have been made, STP construction works have been completed and is fully operational.

iv. Storm Water Drainage: Completed.

The storm water drain has been made and for the purpose RCC Hume pipe drain have been laid down. Rain water harvesting work is also completed.

v. Street Lightening & Electricity: Completed

The street lighting in the colony has been installed and is fully operational. Additionally, the electrical work has been completed, electrification plan is approved, individual meters are installed and electricity is now being supplied to the colony by DHBVN.

All infrastructural amenities and services in the colony are diligently maintained by the company. Security personnel are stationed round the clock for constant vigilance. Daily upkeep of green areas is also well ensured. Additionally, electricity bills for street lights, water motor bills, payment of salaries to security staff, gardeners and other sub charges are also regularly paid by the Company making it adequate for families and their livelihood.

Deponent

Verification:

Verified that the contents in the affidavit are true to the best of my knowledge and belief and nothing has been concealed therein.

Deponent”

7. A perusal of the aforesaid document(s) shows that adequate steps have been taken by the builder to ensure that basic amenities, such as planned roads, water supply, sewerage, storm water drainage, street lighting, electricity and other infrastructural amenities. Besides, Mr. Hans, learned counsel appearing for the respondent-promoter assures that it is in the interests of the promoter itself to provide all facilities which are conceptualised at the time of issuance of advertisement and execution of lease deed. Thus, the promoter shall do its best to maintain the standards expected of it.

8. In view of the above, no *lis* now survives in this appeal. The same is disposed of. However, DTCP shall be at liberty to make occasional visits on the site to ensure that all basic amenities are in place. The municipal authorities shall also be at liberty to take similar steps.

11. File be consigned to the record.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

Rakesh Manocha
Member (Technical)
(Joined through VC)

10th January, 2025.
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