



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

SUO MOTO COMPLAINT NO. 1654 OF 2022

HRERA, Panchkula

....COMPLAINANT

VERSUS

TDI Infrastructure Ltd.

....RESPONDENT No.1

Indian Bank

...RESPONDENT NO. 2

CORAM:

Nadim Akhtar

Member

Chander Shekhar

Member

Date of Hearing: 17.03.2025

Hearing: 8th

Present: - Mr. Anjanpreet Singh , Proxy for Adv. Shubnit Hans,
Counsel for the respondent no. 1 through VC.
None, Counsel for respondent no.2

ORDER (NADIM AKHTAR- MEMBER)

1. Vide order dated 02.08.2022, it was recorded as follows:-

“This complaint was registered by Authority taking Suo Motu cognizance under Section 35(1) and 38(2) of the RERA Act of the letter dated 06.07.2022 received from Sh. Rampal Tandon (hereinafter referred a applicant), allottee of the project namely 'Espania Floor' being developed by M/s TDI infrastructure Ltd., herein impleaded as respondent no. 1. It has been stated by applicant that promoter-respondent no.1 had availed loan from Indian Bank, Sam Branch, New Delhi, herein impleaded as respondent no.2 and is liable to pay the amount due to the tune of ₹61,89,92,526.53/- towards the loan.

Respondent no.2, Indian Bank has issued a notice Under section 13 (2) of Securitization and reconstruction of financial assets and Enforcement of Security Interest Act 2002, for e-auction of land of aforesaid project land measuring 12.64 acres. Date of sale has been fixed as 06.08.2022 between 11.00 AM to 04.00 PM. Applicant states that allottees have paid entire sale consideration and therefore, this auction is inconsistent with the judgement of the Hon'ble Supreme Court wherein it is ordered that right of home buyers supersedes rights of Banks.

2. Since, under section 34 of the RERA Act, the Authority has to ensure compliance of the obligations cast upon the promoter, the allottees and the Real Estate agents under the Act and the Rules and the Regulation framed thereunder, the Authority had issued a notice to respondent no. 1 and respondent no.2 directing them to appear before the Authority and place on record all relevant documents pertaining to the project and in respect to mortgage of the land."

2. In the present complaint, Resident Welfare Association had filed CWP No. 15082-2022, titled TDI ESPANIA RESIDENTS WELFARE ASSOCIATION vs INDIAN BANK (ALLAHABAD) AND ORS. before Hon'ble Punjab & Haryana High Court, Chandigarh. Said petition has been disposed of vide order dated 14.10.2024. Relevant part of order of Hon'ble High Court is reproduced below for reference:-

1. Prayer in this writ petition is for quashing sale notice dated 28.06.2022 (Annexure P15) and for issuance of direction to respondent No.1 to recover the loan amount which is subject matter of said sale notice, from the amount paid by 'Apartment Owners' to respondents No.2 to 9 lying in their account with respondent No.7 and from other properties/ assets and land of respondents No.2 to 7.

2. Learned counsel for respondent-bank submits that this writ petition is rendered infructuous as One Time Settlement has been arrived at with respondent No.2 and the settled amount of Rs.67,46,83,238/- has been

deposited and there are no dues towards the bank. The account has been settled.

3. In view of above, learned counsel for the petitioner is unable to deny that this writ petition is rendered infructuous.

4. Ordered accordingly.

5. Pending application(s), if any, also stand(s) disposed of.

3. On the last date of hearing, i.e., 11.11.2024, learned counsel for respondent no. 1 apprised the Authority that one time settlement has taken place with respondent no. 2 and now there remains no due towards the bank. Said fact duly find, mention in disposal order dated 14.10.2024 passed by Hon'ble High Court. Accordingly, respondents were directed to place on record the copy of NOC issued by respondent no. 2 to respondent no. 1 in respect of project in question, i.e., 'Espania Floor'.

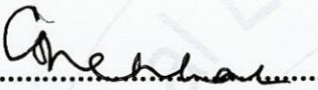
4. Today, ld. proxy counsel for Adv. Shubhnit Hans appeared and apprised that main counsel is in some personal difficulty. Further, he stated that copy of NOC issued by respondent no. 2 has been filed in registry today itself.

5. Perusal of office record reveals that copy of NOC dated 03.10.2024 has been filed in registry on 17.03.2025. Relevant content of said NOC is as reproduced below for reference:-

"Accordingly the OTS /Compromise amount of Rs 67,46,83,238/- including delayed period interest has been paid in full and as on date there is no dues to the Bank in the subject account."



5. In view of settlement (one time settlement for loan amount) arrived at between the respondents which is evident from order dated 14.10.2024 passed by Hon'ble Punjab & Haryana High Court and NOC dated 03.10.2024, the interest of allottees in the project in question stands protected. Hence, the captioned suo moto complaint is being rendered infructuous. Accordingly, the complaint stands **disposed of**. File be consigned to record room after uploading of order on the website of Authority.


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CHANDER SHEKHAR
[MEMBER]


.....
NADIM AKHTAR
[MEMBER]