



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

Complaint no.:	2617 of 2019
Date of filing:	31.10.2019
Date of first hearing:	14.11.2019
Date of decision:	15.05.2025

Flat Buyers Welfare Association Gemini Grove

Duplex REGD Sector Eighty, Faridabad

....COMPLAINANT

VERSUS

Dhingra Jardine Infrastructure Pvt. Ltd.

.....RESPONDENT

Complaint no.:	3062 of 2019
Date of filing:	31.12.2019
Date of first hearing:	07.01.2020
Date of decision:	15.05.2025

Flat Buyers Welfare Association Blue

Solitaire Tower C

....COMPLAINANT

VERSUS

Dhingra Jardine Infrastructure Pvt. Ltd.

.....RESPONDENT

Complaint no.:	3134 of 2019
Date of filing:	03.01.2020
Date of first hearing:	25.02.2020
Date of decision:	15.05.2025

Gloria Welfare Association

....COMPLAINANT

VERSUS

Dhingra Jardine Infrastructure Pvt. Ltd,

....RESPONDENT

Complaint no.:	506 of 2020
Date of filing:	28.05.2020
Date of first hearing:	21.08.2020
Date of decision:	15.05.2025

Flat Buyers Welfare Association

Solitaire Tower D

....COMPLAINANT

VERSUS

Dhingra Jardine Infrastructure Pvt. Ltd,

....RESPONDENT

Complaint no.:	71 of 2020
Date of filing:	22.01.2020
Date of first hearing:	25.02.2020
Date of decision:	15.05.2025



Tower E California Country Buyers

Association Sector Eighty Faridabad

....COMPLAINANT

VERSUS

Dhingra Jardine Infrastructure Pvt. Ltd.

....RESPONDENT

Complaint no.:	2169 of 2023
Date of filing:	27.09.2023
Date of first hearing:	02.11.2023
Date of decision:	15.05.2025

Dhingra Jardine Suburban Resident

Welfare Association

....COMPLAINANT

VERSUS

Dhingra Jardine Infrastructure Pvt. Ltd.

....RESPONDENT

CORAM: **Parneet S Sachdev**
 Nadim Akhtar
 Dr. Geeta Rathee Singh
 Chander Shekhar

Chairman
Member
Member
Member

Date of Hearing: 15.05.2025

Hearing: 9TH in Complaint no. 2169 of 2023
 26TH in Complaint no. 2617 of 2019
 25TH in Complaint no. 3062 of 2019
 24TH in Complaint no. 3134 of 2019
 22ND in Complaint no. 506 of 2020



23RD in Complaint no. 71 of 2020

Present: Adv. Shobhit Phutela, counsel for Federation in all complaints .

Adv. Shekhar Verma, counsel for complainant in complaint no. 3134 of 2019 through VC.

Mr. Rakesh Hooda, General Secretary of Federation alongwith Mr. Gopal Singh Rajput and Mr. Anil Chopra.

None for respondent in all cases.

ORDER (PARNEET S. SACHDEV -CHAIRMAN)

1. Captioned complaints are taken up together for hearing as they involve similar issues pertaining to same project-‘California Country, Sector-80, Faridabad’ and against one respondent only. This order is passed taking complaint no. 2617/2019 as lead case.
2. Facts of the lead complaint case are:-
 - i. Gemini Grove duplex (Sub project of California Country) Sector 80 is comprised of 128 flats out of which 126 flats are sold/booked. Construction of flats along with finishing is almost complete at site as per the approved building plan except the outer platform and common area; many minor works stand incomplete by the builder as on date. Also lifts are not installed in any block. Most of the allottees were allotted apartments between the year 2006-2010 against which



the possession was to be delivered mostly by the year 2011-2012. For convenience of reference, a copy of builder buyer agreement is annexed as Annexure-I.

- ii. That the construction work of the project is at standstill for the last six years. Complainant has filed complaint before the authority and complainant (Gemini Grove duplex association) expressed its intention to take over the sub-project 'Gemini Grove duplex' that comprises of 128 flats. Complainant 'Flat Buyers Welfare Association Gemini Grove Duplex' Sector-80, Faridabad has majority of more than 2/3 of total allottees out of 128.
- iii. Pursuant to the execution of aforesaid agreements, allottees have paid substantial amount of about 85-100% as against the total sale price. The receipts along with last demand letter in support of the aforesaid submission are annexed as Annexure II.
- iv. Members of association Complainant were approached by the officials of Respondent for the sale of the aforesaid project alluring them with respect to the project in question. It was informed to the Complainants that the project will be completed within time, i.e., within 36 months from the date of sanction of building plans.



- v. Since, there is huge delay in handing over possession and admittedly also a violation of agreed terms and conditions as set out in agreement. The present complaint is filed seeking take-over of project 'Gemini Grove Duplex' so that the complainant can complete the remaining construction by own.
- vi. The allottees of this project have suffered due to delay and mental agony. Hence, the compensation against the respondent company should be considered however this can be resolved once the principal issue of regarding completion of apartments and handling over the possession to the allottees is taken care off.
- vii. Grounds For Complaint:
 - a. To adhere with the order dated 01/10/2019 in various complaints vide no. 582 of 2018, 1073 of 2018, 1322 of 2018, 552 of 2019, 600 of 2019, 614 of 2019, 926 of 2019, 1530 of 2019, 1543 of 2019 and also in public notification dated 28/08/2019 with regards to 'Dhingra Jardine Infra Project Pvt. Ltd. Sector 80 Faridabad', as stated in section (iv) in order that "tower-wise association may be allowed to be constituted. Such allottees of a tower who are able to form an association successfully may be allowed to undertake the work



themselves.", we have formed an association "Flat Buyers Welfare Association Gemini Grove Duplex (REGD.) Sector 80 Faridabad" with more than 2/3 majority of allottees.

b. As per the observation of authority at the time of order dated 01/10/2019, we have started completing paper work for our complaint in alignment with the reference case of 'Piyush Heights, Sector 89, Faridabad'. We have got PAN card of our association, applying for bank accounts, we are also engaging government approved chartered engineer for technical report, again this report will be approved by government approved Chartered Architect. We will also get these reports approved by C.A., remaining demands of every buyer will also be verified by C.A., affidavit by each buyer to release the remaining amount as well as extra cost to be incurred. We are also ready to complete other recommended paper work.

c. Because Complainant is misrepresented at the time of booking of the aforesaid apartment in question regarding timely completion of construction which becomes the allurements for making the booking with the Respondents.



- d. Because the Complainants acted upon the aforesaid allurements and booked the apartment in question for its personal use. However, respondents did not adhere to the representation and as such, amounted to unfair trade practice.
- e. Because admittedly there is a substantial delay in handing over of possession and respondent is incapable to deliver the project.
- f. Because the Complainants have suffered huge loss on account of non-receipt of possession within time as agreed to under the agreement.
- g. Because the Respondent has enjoyed unfair enrichment on the account so paid by the Complainants without delivering the project.
- h. Because the action of Respondents are completely in violation of all the principles of natural justice and also violation of the provisions of the Real Estate (Regulation & Development) Act, 2016.
- viii. On the basis of facts given by the Complainant following issues need to be adjudicated upon by this Hon'ble Tribunal :-
- “Handover sub-project 'Gemini Grove Duplex' of California Country, Sector 80 to Complainant so that it can complete the remaining work of 'Gemini Grove Duplex' ”.**



3. It is pertinent to mention here that Authority in order to adjudicate the issues/grievances of the captioned associations passed detailed orders from time to time. Gist of said detailed orders are mentioned below:-

A. Order dated 07.01.2020 wherein Authority had examined the need of handing over of project alongwith details of each tower in terms of number of flats and pending works. Directions were given to the complainants/necessary departments in order to pursue the process of handing over to the associations, which are reproduced below for reference:-

"After hearing all the parties in detail, the Authority observes and orders as follows:-

- (i) As already ordered in Para 4 & 5 of this order, the respondent promoter may submit a proof of having arranged adequate funds for completion of the project in order to get an opportunity to complete it at its own level. The funds to be so arranged shall be after discharging the pending liabilities which may be towards the old contactors or Government agencies etc. They will also have to submit a detailed project report demonstrating therein their credibility for completing the project and discharging all statutory and contractual liabilities. However, if they are not able to do so, the Authority will continue to pursue the process of handing over of the project to the various associations in accordance with the provisions of Section 8 of the RERA Act.*
- (ii) All four Associations should expand their membership to make it at least two-third of the total allottees each. This is for the reason*



that if the membership is less than this number, the Association may face financial or other difficulties.

- (iii) Each Association shall prepare a detailed project report with the help of expert agencies, inter-alia, containing the details of the remaining construction works to be carried out in the colony for making the apartments properly habitable, and the likely expenditure to be incurred thereon. Such details may have to be prepared in respect of each apartment/ part of the colony.*
- (iv) Separately, each Association should prepare an estimate of expenditure likely to be incurred for laying various infrastructure facilities. The Authority directs, the Presidents of all the Associations to coordinate with each other and engage a common agency for estimating the expenditure required for laying down/completing the infrastructure facilities including roads, pavements, water supply lines, sewerage system, drainage system, electricity supply, laying common parks and other similar common facilities in whole of the colony. The expert agency should also be asked to proportionately divide the cost of entire infrastructure amongst all the flat owners in proportion to the super area of the apartments of the allottees.*
- (v) All the members of the Associations should submit an affidavit, inter-alia, stating therein total cost of the apartment as agreed to with promoter including the cost of external development charges, taxes, statutory dues etc.; the amount already paid; and the amount yet to be paid. Further, each member should commit in the affidavit to pay the balance payable amount and the additional amount if required for completing the project in all respect including the infrastructure facilities to the Association.*
- (vi) In order to express their seriousness the members, should pay upfront 25% of the total outstanding payable amount which shall be deposited in the Escrow Account of the Association.*
- (vii) After preparing the project report, including the details of the works to be carried out, all the Associations together may float a*



common tender for completion of infrastructure facilities. Each individual Association will also separately prepare an estimate and float a tender for completing the construction work of the tower/apartments. The works to individual contractors shall be awarded only after seeking approval of this Authority and only after collecting adequate money from the members of the association.

- (viii) If, the allottees are required to incur additional expenditure over and above their commitment made with the respondent promoter in the builder-buyer agreement, they will have a right to be indemnified by the respondent promoter. For this purpose, on the subsequent occasion the Authority may consider allowing the association to sell unsold inventory of the project for indemnifying the allottees.*
- (ix) Further guidelines will be given to the Associations after they comply with these directions.*
- (x) A copy of orders dated 14.11.2019 & 07.01.2020 be sent to the Director, Town & Country Planning Department, drawing their attention towards earlier orders dated 01.10.2019, 14.11.2019 wherein their opinion was sought in para 7 (e) of order dated 14.11.2019 for taking over of the project named California Country situated in Sector-80, Faridabad, Haryana, in accordance with amended section 18 of the Haryana Development and Regulation of Urban Areas Act, 1975. Further, in para 7 (c) of order dated 14.11.2019, the Director, Town & Country Planning Department was asked to nominate STP/DTP, Faridabad who shall actively associate himself in the activities of the associations and for guiding them on various technical/legal parameters so that the associations are able to get the occupation certificate of the project in due course of time. No communication regarding the above directions has been received from the department. Therefore, the Director, Town & Country Planning Department should submit his report on various issues listed in the*

aforementioned orders at least one week before the next date of hearing.

(xi) *With above directions, the matter is adjourned to 25.02.2020."*

B. Order dated 25.02.2020 wherein Authority had examined the issue of external services, its required budget and necessary steps towards handing over of project clarifying as to how external services will be laid for each tower. Directions are reproduced below for reference:-

The Authority after consideration orders as follows:-

- i) *Request of Shri Vivek Sethi, counsel for respondent, for adjournment cannot be accepted because the Authority is simultaneously moving in the direction of handing over the project to the respective Association of the Allottees. The respondent, however, may make his submission in respect of the directions given to them in the order dated 07.01.2020 on the next date of hearing. In the meantime, the Authority will continue to explore the possibility of getting the project completed through the Associations of Allottees.*
- ii) *Shri Rajan Hans learned counsel for the Association of Allottees representing Suburban Portion of the project has requested the Authority for treating them separately from rest of the associations because their project is almost complete and they would like to complete it at the earliest. Further, they will separately incur expenditure in respect of the external services to be laid. The Authority will have no objection in handing over their portion of the project to them before the other associations but it is not understood as to how they will be able to separately connect the external services like water supply, storm water drainage, sewerage system and sewerage treatment plants, electricity substation etc of their towers with the main services of the colony.*



The Authority understands that the common service plan estimates in respect of the entire project have been approved by the State Government. These services have to be laid together for the whole of the project. The expenditure thereon also has to be borne by all the allottees in proportion to the super area allotted to them. It has been estimated that about Rs.22.90 crores is required for laying the said external services, therefore, the Association of this tower cannot avoid their liability for making their due contributions for laying the external services. Needless to mention that in case excess money is paid by the allottees than agreed with the respondent company, they will have a right to be indemnified in the due course of law, but as an interim measure they will have to discharge their liabilities due from them proportionately. Pending such a determination of the liabilities of the allottees, the association may complete all other paper work for getting the remaining works completed inside the towers.

- iii) *The major issue which has now emerged is that how to collect money for laying external services costing Rs. 22.90 crores. The principle in this regard should be that this cost should be apportioned to all the apartments of the project in proportion to their super area. For this purpose some account experts will have to calculate the cost which should be apportioned to each portion of the project and thereafter to each apartment of each portion of the project. The Authority would like receive consent of all the complainant associations to the cost apportionable to them and to each of the apartment, whether allotted or unallotted, for arranging funds to the tune of Rs.22.94 crores for laying the external services. For this purpose, it is utmost necessary that the Presidents and Senior functionaries of all the associations get together and agree to cooperate with each other. They should create a small pool of funds for paying to the professionals for working out details of all their issues. All the associations should have meeting of minds on the cost involved for laying external*



services as well as the methodology for getting works carried out through one or more than one contractors. The Authority directs all the association to put up a joint action plan in this regard on the next date of hearing. Further, the stages of laying the external services for whole of the colony should be demonstrated to the Authority on a layout plan by the expert agency which had earlier prepared the cost estimates etc. He should be asked to be present personally for explaining various details of the matter to the Authority.

- iv) All the associations should issue an advertisement a daily newspapers in circulation in the area asking therein the allottees of the respective tower of the project to come forward to become members of the associations. Further, a notice in this regard should also be put up on the notice board of the project. The Authority would expect that by the next date of hearing that the precise position in regard to the number of allotted and un-allotted apartments is placed before it. The Authority also directs the respondents to provide this information to the associations. The Authority also directs the respondents to provide a list of all the allottees to the respective associations to enable them to contact them directly for becoming their members.*
- v) The professionally prepared estimates of the cost involved for completing internal works of all the towers should be submitted by each association. It may be submitted separately in respect of the allotted apartments and separately in respect of the un-allotted apartments. The internal works of the un-allotted apartments can be carried out when the buyer for the same is found. Further, the mode of execution of remaining works should also be prepared i.e. whether a lump-sum contract is proposed to be made with one contractor for competing all the works or multiple contracts will be awarded for various works. The detailed plans in this regard should be prepared by each association in consultation with the expert agencies.*



- vi) *After estimating the proportionate cost to be contributed by each association for completing the external works and for completing the other works of the towers, the cost apportionable to each apartment and to each allottee who is a part of the association should be worked out. Initially requisite funds may have to be contributed by the members of the associations along with the funds to be generated by way of sale of un-sold inventory. The project can be handed over to the associations by the Authority only after satisfying itself that arrangement of sufficient funds has been made by the respective associations.*
- vii) *Detailed affidavits should be submitted by all the members of the associations to their respective associations stating therein the amounts due to be paid by them in accordance with the builder-buyer agreement including the EDC, IDC charges and other applicable taxes & levies. Further, the members of the associations should express their readiness and willingness to contribute the entire cost which proportionately will be determined to be their contribution for completion of their tower and also for laying of external services. Further, 25% of the said apportioned amount should be agreed to be paid by them up-front so as to express their seriousness for taking over the project and completing it at their own level.*
- viii) *No orders are being passed for the time being in respect of Tower -D. Should the allottees of Tower-D decide to form an association, they will also have to comply with the directions given by this Authority vide this order as well as in the order dated 07.01.2020.*
12. All the complainants may obtain a copy of the letter received from the Director, Town & Country Planning Department and also copy of the report of the Chartered Accountant. An application has been filed by the complainants in complaint no. 582 of 2018 titled Hemant Narula & Others vs M/s Dhirga Jardine Infrastructure Pvt. Ltd. & Ors. stating therein that his apartment is situated in Tower -D of the project but complainant has



been inadvertently merged with Gloria portion of the project i.e. with Complaint No. 3134 of 2019. He has requested the Authority revive the same. His request is accepted. Office is directed to revive complaint no. 582 of 2018 titled Hemant Narula & Others vs M/s Dhingra Jardine Infrastructure Pvt. Ltd. & Ors. and list it for hearing with all other matters. Adjourned to 25.3.2020.

C. Order dated 13.10.2020 wherein Authority had asked the associations to cooperate with each other in order to finalise the cost/expenditure required for completing the project. Directions are reproduced below for reference:-

After consideration of the matter, the Authority observes and directs as follows:

- i) *The Authority is of the considered view that the cost of the infrastructure facilities like roads, streets lighting, water supply system, sewerage system, drainage system and electricity supply system etc. has to be borne proportionately by all the Associations. If apartments of one Association had been completed ahead of rest of the towers and their infrastructure facilities have been provided before the others, it simply gives rise to a presumption that from the overall kitty of money collected from all the allottees of the project more money has been spent on such completed towers in preference to the others. The infrastructure facilities have to be laid common for all. They cannot be separated for each association. For these reasons the arguments put forwarded by Shri Rajan Hans on behalf of the Sub-Urban Welfare Association cannot be accepted. SubUrban Association will have to bear proportionate cost of laying the infrastructure facilities otherwise their towers cannot be handed over to them.*



- ii) *Regarding the claim put-forward by the association of Gloria towers that the cost of infrastructure is likely to be much less than projected, the Authority would direct them to have the cost worked out from a qualified Engineer at their own level and present it before the general body of all the associations for deliberations and arrive at a consensus. Mere claim that the cost is less will not convince the Authority about the actual cost likely to be incurred. The Authority once again reiterates that it is adopting the extraordinary measures of getting the project completed through the associations of different towers. It expects all the associations to cooperate with each other. Unless all the associations cooperate and arrive at a mutual understanding about the likely cost and the manner of apportionment of that cost, resolution to the problem cannot be found and the project will remain in limbo. It will be in the interest of all the associations that they cooperate and arrive at a workable formula for apportionment of the actual cost likely to be incurred.*
- iii) *Since none was present on behalf of the association in Complaint No.71 of 2020 in respect of Tower-E, therefore, the association of this tower is directed to file an affidavit stating their stand regarding the cost apportioned to them before the next date of hearing.*
- iv) *Remaining three associations have agreed with the apportionment of the cost. This Authority would like to ensure that adequate funds are available with the executing agencies appointed by the associations before commencement of development works. The Authority would direct each of the associations to collect upto 25% of the cost apportioned to them from their members and put the same in the account of the association to be contributed for laying infrastructure facilities.*
- v) *A copy of the report of the Engineer/Architect who has estimated the cost of infrastructure to be Rs.22.90 crores should be placed on the record of the Authority for reference. If associations themselves*



are not able to come to any conclusion, the Authority will get the report of the Engineer/Architect verified from the firm of Engineers appointed by it.

- vi) *Presidents of the associations are again directed to meet and discuss amongst themselves the likely cost and the formula for their apportionment. Unless all the associations cooperate with each other the project will not see the light of the day. (vii) Each association in the meantime should also work out the cost likely to be incurred for completion of their respective towers other than the cost of infrastructure. They should also work out the modalities of awarding the construction works to the suitable construction agency for completion of the apartments. The Authority would expect each association to submit before it the likely cost of completion of the apartments and the sources of the funds for meeting the said expenditure. It will be expected that the information submitted before the Authority is duly approved by the General body of the respective associations.*
- vii) *With above directions the matter is adjourned to 03.12.2020.*

D. Order dated 23.12.2020 wherein Authority reiterated the directions of previous order pertaining to resolving the issue in respect of expenditure and affidavits required from each member. Further, all associations were asked to work together so that project could see the light of the day.

Relevant part is reproduced below for reference:-

Authority is of the opinion that all the Associations will have to work in cohesion to enable speedy completion of the project. Authority, reiterated that till the larger issue of arrangement and apportionment of funds for development of external and internal services and completion of Towers are not sorted out by the Associations amongst



themselves, Authority is not inclined to handover the project. Once, funds for completion of both external and internal work are arranged and deposited by each complainant Association in their respective accounts, then each tower will be allowed to use these funds for both internal as well as external development. Till then, Authority will not be in a position to handover individual Towers to the complainant Associations. Therefore, request made by the learned counsel thus cannot be acceded at this stage.

- E. Order dated 09.02.2021 wherein Authority had directed the respondent to conduct meeting with all associations in respect of completing the project on its own as allottees have lost faith in respondent-promoter. Further, the respondent was directed to deposit a substantial amount in escrow account in order to express his willingness of completing the project.

Directions are reproduced below for reference:-

After hearing all the parties and perusal of the written submissions made by various stakeholders i.e. Complainant Associations & Mr. Sanjeev Dhingra, Authority observes and directs as follows:

- i. *Mr. Sanjeev Dhingra has today placed before the Authority an application along with documents including Resolution Plan in compliance of order dated 23.12.2020. Since, documents filed by way of this application are not yet placed before all allottees of the project for discussion and their consent, therefore, without commenting on merits of the documents attached with said application, Authority directs Mr. Sanjeev Dhingra to place the same before allottees in the meeting to be held on 21.02.2021 for their approval. In case allottees repose faith in Mr. Sanjeev Dhingra as their promoter and agree to get their project completed through him then they shall file their affidavits qua the same.*

Further Mr. Sanjeev Dhingra is directed to supply a copy of said application along with documents to each Complainant Association within two days. He is further directed to call a meeting of all complainant allottees and their respective Associations of various towers on 21.02.2021 on the project site at 11:00 a.m. In the said meeting, he shall present details of all receivables and payables of each allottee tower-wise in a tabulated form before all the allottees and their respective Associations. Details of Payables to allottees shall also demonstrate the amount payable to them as interest on account of delay in handover of possession calculated till date. Allottees are also directed to supply to the respondent statement of receivables and payables as well as calculations on account of interest due to them on account of delay in handover of possession by the respondent in the meeting. They shall also supply a copy of their Builder Buyer Agreement to the respondent promoter. Authority expects both, Complainant allottees as well as Mr. Sanjeev Dhingra to cooperate and discuss the proposed Resolution Plan of completion in atmosphere of mutual trust and faith. Mr. Sanjeev Dhingra as well as Complainant Associations are directed to file all the documents presented in the meeting and minutes of the said meeting at least two weeks before the next date of hearing.

ii. Majority of the complainant Associations except Association of Sub-Urban tower, have stated today that they have lost faith in respondent promoter and that they want to complete the project by themselves. Authority is cognizant of the fact that after failure of the respondent promoter to deliver them possession of their units, the complainant Associations have come a far way to the present stage where their efforts under supervision of the Authority have culminated in possibility of realisation of their dream of completion of the project by themselves. Nevertheless, Authority feels that still a lot remains to be done like procuring renewal of licences and various approvals from the concerned departments etc. which is the liability of promoter and moreover companies like promoter are better equipped to procure them. Therefore, promoter shall be given a chance to present his Resolution Plan of action



to complete the project and to regain lost faith of his allottees through the proposed meeting. Respondent in the said meeting should not give empty promises to his allottees but show them the concrete steps he has taken to regain their lost faith.

iii. All the complainants Associations have objected to the completion of project by Mr. Sanjeev Dhingra on the ground that promoter has till date not deposited any amount in the escrow account out of his own pocket whereas they have given details of amount collected from their allottees in compliance of orders of the Authority. Associations fear that promoter after collecting remaining money from the allottees on pretext of completing project and without paying them interest for delay in delivery of possession will abandon them again in lurch. Admittedly Mr. Sanjeev Dhingra has not yet deposited any amount in the escrow amount till date. So far they have only stated that they are in possession of a cheque amounting to Rs. 25 lakhs issued by allottees of Sub-Urbian Tower. Even the amount of Rs. 7.16 crores due from 160 allottees of Sub-Urbian tower is a mere statement and no such amount has been deposited in escrow account. As per his own statement, approximately 38.52 crores are required to complete the whole project. So in nutshell, Mr. Sanjeev Dhingra has not been able to deposit any amount in the escrow account till date despite of direction of the Authority vide order dated 23.12.2020 except a cheque of Rs. 25 lakhs and that too received from allottees of sub-Urbian tower. Therefore, it is evident that till date Mr. Sanjeev Dhingra has not been able to arrange his own funds / financial arrangements to complete the project. It is also pertinent to mention here that he is also under a huge liability of payment of interest on account of delay in handover of possession to allottees. Therefore, he is advised to generate his own funds for completion of the project without seeking further amount in form of receivables due from the allottees. In such circumstances, Authority directs Mr. Sanjeev Dhingra to deposit upfront a substantial amount in the escrow account before the next date of hearing. Upfront deposit of such amount shall be taken into consideration by the Authority for determination of the question as to



whether Complainant Associations or Mr. Sanjeev Dhingra should be allowed to complete the project.

iv. Meanwhile, Authority will continue to explore other possibilities of completion of the project including handing over the project to various Associations of allottees in accordance with the provisions of Section 8 of the RERA Act. After perusal of record, it has come to the notice of the Authority that only two Associations i.e. Flat Buyers Welfare Association Gemini Grove Duplex in Complaint No. 2617 of 2020 & Flat Buyers Welfare Association Blue Solitaire Tower-C in Complaint No. 3062 of 2020 have filed documents in compliance of order dated 23.12.2020. Therefore, remaining Complainant Associations are also directed to file documents in compliance of order dated 23.12.2020. In case, complainant Associations agree to get the project completed by Mr. Sanjeev Dhingra, they shall file their affidavits qua the same before the next date of hearing.

v. A request is made by Mr. Rajan Hans to separate and adjourn their complaint no. 2694 of 2019 for about three months to enable them to execute their plan with Mr. Dhingra. Authority is of the opinion that it cannot treat parts/towers of the project differently. Moreover it is not the case that only individual towers have to be completed, even external infrastructure has to be laid out for all the towers which are part of the project as a whole. Moreover, before proceeding further, Authority has to determine who is competent and financially equipped to complete the project i.e. whether Complainant Association or Mr. Sanjeev Dhingra, which is not possible in isolated tower-wise cases. Therefore, such atomistic approach cannot be adopted. Thus, present request to adjourn 2694 of 2020 for three months separately cannot be accepted.

Adjourned to 16.03.2021

- F. Order dated 12.08.2021 wherein Authority had allowed allottees to visit the project site by issuing of proper entry slips and explored the option

of registrability of the project. Relevant part of the order is reproduced below for reference:-

After consideration of the matter, Authority appoints Mr. Rakesh Hooda as in charge who will issue entry slips to persons who want to visit the project site for carrying out survey etc. or any other bonafide purpose. He will be responsible for conduct of such persons whom he issues slips. Further he should refrain from issuing slips to large groups. Mr. Sanjeev Dhingra may also make arrangement for cameras for video recording at entry and exit points of the project site to avoid any untoward incident. 6. Since, application for registration of the project filed by Mr. Sanjeev Dhingra is still pending for adjudication before the Authority, and today Mr. Sanjeev Dhingra has displayed arrangement of about Rs. 8 crores, therefore, in view of such facts, decision regarding who is competent and financially equipped to complete the project i.e. Complainant Association or Mr. Sanjeev Dhingra, Full Bench of the Authority will hear the matter and decide accordingly. So, cases are adjourned to 28.09.2021. meanwhile complainant allottees may continue to take necessary steps for completion of the project and Mr. Sanjeev Dhingra may obtain necessary approvals/licenses etc. and make further arrangements of funds to complete the project.

G. Order dated 28.09.2021 wherein Authority had tentatively allowed handing over of project to four of associations and had asked for information in proper tabular form so that amount which needs to be spend for completion of project can be ascertained. Relevant part of the order alongwith directions are reproduced below for reference:-

In view of submissions of both parties, it is evident that despite several opportunities given to Mr. Sanjeev Dhingra, no concrete step has been



taken by him till date to complete the project. Moreover, he has even failed to espouse confidence of all Associations in him. It seems that any further delay in handing over of the project to Associations will not only further delay completion of the project but will also demoralise the allottees who are working hard through their Associations, resulting in hesitation in making their contributions to their Associations for completion of the project. **In such circumstances, Authority tentatively decides to hand over the project to Associations of Tower -D, Gloria, Gemini & Tower - C (Blue Solitaire) for completion remaining works.**

The Authority further observes as follows:-

- i. *The group of four Associations together have decided to take over the project for completion of external services of the entire project and should submit the information relating to external services works of the project; (a) Proportionate share of each tower towards the cost of laying external services; (b) Amount already received from the Associations of respective towers till date; (c) Details of amounts receivable from the Associations. Said information should be presented in a tabulated form.*
- ii. *Whether the group of four Associations have opened a separate bank account for the purpose of laying external services should be informed to the Authority. The money received in such account so far and the expenditure incurred so far should also be intimated to the Authority.*
- iii. *Each of the four individual Association will separately place before this Authority (a) the tower-wise cost of completion of internal services works of respective tower; (b) Proportionate contribution to be made by each allottee towards the total cost of completion of works; (c) Amount already received by the Association from each allottee and the balance amount to be received. This information should also be placed before the Authority in a tabulated form.*
- iv. ***The Authority considers that first of all respective Associations should complete internal works of their towers because when the***

apartments of the allottees would come near completion, they may be more comfortable to contribute their share for laying external services also. Each of the Association as well as group of Associations may consider this suggestion and submit their response. All the Associations are directed to file relevant documents along with documents of their authorisation. They should make their submissions in writing with a copy given to opposite party at least one week before the next date of hearing. Adjourned to 10.11.2021.

H. Order dated 10.11.2021 wherein Authority had captured the brief of stage of complaints cases and issued further directions to associations for completion of project highlighting the financial constraint of Gloria tower. Requisite part of order is reproduced below for reference:-

Stage of cases

The project named California County being developed by promoter Dhingra Jardine Infrastructure Pvt. Ltd. It does not appear possible to be completed by the promoter company. The promoter company has failed even to fulfil the requirements of law to get their project registered with the Authority. There are 687 allottees in the project who are suffering badly. Most of the allottees have prayed for completion of the project and handing over of possession of their apartments to them. Since it has been concluded that at this stage the promoter does not appear to be in a position to complete the project, action is being taken in pursuance of the provisions of Section 8 of the RERA Act to get the project completed by handing it over to Association of Allottees.

The project is comprised of six towers namely Tower-D, Gloria (Tower -F), Gemini (Tower-G)& Tower C (Blue Solitaire)and Suburban. Different towers are at different stages of completion. The tower named



SubUrban is probably at the most advance stages of completion and rest are still not habitable. All the towers require different quantum of investment for completing internal works in the towers as well as in individual apartments to make them habitable. Apart from internal works of towers, various external services like Electricity, Storm water drainage, sewage disposal system, roads and street lights system etc are also yet to be laid. Considerable expenditure is required for completion of external services.

Six different Associations have been formed in the project, one each in respect of each individual tower. Each Tower is proposed to be handed over their to Associations of those individual towers for completion at their own level. Further, since external services will be common for all towers, a joint association of all six towers has been formed for undertaking the task of laying said external services.

The Authority at present is the stage of ascertaining capabilities of each individual association to complete internal works of individual towers and also capability of joint association of all towers to undertake the task of laying external services.

Funds for undertaking both the tasks are proposed to be arranged through following means: a. The balance money yet to be paid by individual allottees as per terms of agreement executed with promoter; b. Sale of vacant apartments in the project; c. Additional contribution to be made by individual allottees in case of shortfall.

For aforesaid purposes, especially to seriousness and capability of individual associations, Authority has been directing that estimate of cost of completing internal works of individual towers should be ascertained. Further, at least 25% of the cost estimated for each individual tower should be collected and put into a separate account of individual associations of each tower. Further, 25% of cost required for completing external services should be contributed by each individual association and put into another dedicated account which shall be used for laying external services after completing internal works of the towers.



After money in aforesaid manner is collected, Authority will in principle hand over individual towers to respective association and will direct them to prepare detailed tender documents and award it to an appropriate agency in a transparent manner.

GLORIA TOWER

Shri Anil Chopra, President of the complainant association of Gloria Tower stated that their tower is least constructed and require maximum amount of investment approximately Rs.11.48 crores, for completion. He stated that money contributed by allottees of Gloria tower has been invested in other towers. He stated that allottees of this tower have already made about 85% payment against the due amount. He requested that the cost of completion of Gloria tower should be distributed amongst other allottees of other towers also. The Authority observes that it may difficult or even inappropriate to ask allottees of other towers to incur cost beyond the amount agreed to be paid in their agreements with the builders. Such additional cost, however, deserves to be borne by the respondent- promoter. Accordingly, at an appropriate stage Authority will consider diverting funds generated from sale of un-allotted apartments towards the Gloria tower. In other words, deficit funds in respect of Gloria tower could be bridged by way of sale of un-allotted inventories of the project. Such a decision however, will be taken in due course of time.

- I. Order dated 15.03.2022 wherein Authority had handed over the tower to its association-Tower-Gemini Grove Duplex and Tower-C. However, tower were not handed over to Gloria association and tower-D. cases were thereafter adjourned for monitoring the progress of project. Requisite part of the order is reproduced below for reference:-



Authority is of the considered view that Association of Tower Gemini Grove Duplex project have reached the stage whereby project can be handed over to them for completion at their own level. Authority accordingly hereby hands over Tower to the Association in pursuance to the provisions of Section 8 of RERA Act.

Authority decided to hand over Tower-C also to its Association. Association will put the amount earmarked for laying external services in a separate bank account and such amount shall not be used by Association except with prior approval of this Authority. This Tower accordingly stands handed over to this Association. They may go ahead and complete it at their own level. Various conditions and stipulations made from Authority from time to time will be applicable. Association will submit progress report on each date of hearing.

Remaining Associations have not been able to mobilize requisite funds to enable Authority to handover the project to them. Those Associations may continue to make efforts and whenever they collect adequate amount of funds and are able to evolve a consensus amongst members, they may apply to this Authority for handing over the project to them also. Authority upon receipt of such request will pass appropriate orders.

Associations of Tower Gemini Grove Duplex and Blue Solitaire Tower-C have been handed over their respective towers for completion at their own level. Authority would direct these two Associations to explore possibility whether separate external services in respect of their part of the project can be developed. A feasibility report in this regard may be got prepared through an expert agency, thereafter, Authority would recommend for appropriate action to the Town and Country Planning Department for granting them approval in respect of laying separate external services for their two towers.

Authority observes that as Association of Tower Gloria has failed to collect the required amount for completing internal works and therefore, is not in a position to take over the project. Authority decides not to hand over Tower Gloria to Association at this stage and their claim of taking over the Tower, for the time being stands suspended.



However, whenever in future, the Association collects the requisite funds and show their capability to complete the project their case will be considered again.

Authority decides not to hand over Tower D to the Association as they have also failed to collect the stipulated amount. Hence, their claim to take over Tower stands suspended. Whenever they collect requisite amount, they may file an application for re-opening their claim.

After handing over of Tower Gemini Grove and Blue Solitaire to respective Associations, they have stepped into the shoes of promoters of the project in respect of their Towers. An issue was raised by one of the representatives that respondent-promoter is not allowing the Association to function freely, and in fact is causing damage to the structure. Authority hereby clarifies that in pursuance of Section 8 of RERA Act, 2016 now respective Associations have become promoters of the project. They are like owners in possession of the project. Authority decides to send a copy of this order to the Police Commissioner, Faridabad with a direction that on a request made by respective Association, full police protection should be provided to them and miscreants, if any, who stops the Association from working freely should be proceeded against as per law. SE/XEN/SDO concerned of DHBVN is directed to release temporary connections to respective Associations of Towers Gemini Grove Duplex and Blue Solitaire Tower-C whenever they approach them.

Respective Associations are free to deal with non-member allottees or non-paying allottees at their own level in any manner consider appropriate. However, decision in such regard should be taken in the General Body meeting of the Associations.

Adjourned to 18.05.2022 for further monitoring of progress.

- J. Order dated 18.05.2022 wherein Authority had handed over the tower-D to its association and considered the latest position of Gloria association

for handing over of tower. Relevant part of order is reproduced below for reference:-

Authority after consideration decides to hand over Tower-D to the Association of Allottees. The association of Tower-D will strictly comply with guidelines and directions given in para-13 of the order dated 15.03.2022. They will also submit progress report on next date of hearing.

Shri Pradeep Gera, President of the association of Tower-E was personally present, and sought guidance of Authority as to how to move further for completion of their tower. Authority asked him to go through various orders passed by Authority and submit compliance as has been done by association of tower-D. Their request for taking over of tower for completion at their own level will be considered there-after.

Ms. Rupali S. Verma, learned counsel for association of Gloria Tower-F submitted that allottees of their tower have paid nearly 85% of consideration amount to the promoter. The money paid by allottees of tower-F has been used for construction of other towers. She requested that since their money may have been used in completing other towers, appropriate decision should be taken for completion of tower-F also. In regards to submissions made by Ms. Rupali S. Verma, ld. counsel Authority observes that rights of each association in respect of completing their own building are being determined through agreements executed by respective allottees with the promoter. The allottees of each association have a right to demand completion of towers from respondents. Allottees of all towers are duty bound to fulfil their obligation stipulated under the Builder Buyer-agreement. Rights of various associations of towers thereof have to be determined independently. Each association is entitled to get their apartments completed. The association of Tower-F can seek redressal of their grievance from the promoter and not directly from associations of other towers. However, if any money or inventory remain surplus after

handing over of possession of completed apartments to allottees of respective associations, such surplus money could be considered for deployment for completion of tower-F. As such, Authority is unable to agree with the request made by learned counsel Ms Rupali S. Verma. The associations of other towers have no direct obligation towards allottees of Tower F.

Case is adjourned to 02.08.2022.

K. Order dated 02.08.2022 wherein Authority had handed over Tower-E to the Association of Allottees. Further, Authority had directed all the Associations who have taken over their towers to submit their progress report in writing on each date of hearing.

L. Order dated 20.12.2022 wherein Authority had briefly discussed the handing over of towers and order passed by National Company Law Tribunal and National Company Law Appellate Tribunal. Further, all the associations were directed for formation of federation for carrying out necessary steps towards completion of project.

Authority firstly hereby takes the issue of IRP proceedings. In these matters the Authority has by far handed over four towers to their respective associations for completion of internal works on different dates i.e., Tower C & G vide order dated 15.03.2022, Tower D vide order dated 18.05.2022 and Tower E vide order dated 02.08.2022. Thereafter proceedings before National Company Law Tribunal were initiated and vide order dated 16.09.2022 Corporate Insolvency Resolution Process was initiated. Flat buyers association, Blue Solitaire,

Tower C filed an appeal against order dated 16.09.2022 in National Company Law Appellate Tribunal.

As Hon'ble NCLAT has granted stay against the order of NCLT dated 16.09.2022, there is no legal impediment for proceeding in the matter, therefore, the Authority can proceed in the matter. Meanwhile, if NCLAT gives any decision in the matter, we will abide by the same. Therefore, Authority rejects the argument of counsel for respondent and decides to proceed with the matter.

With respect to request of Mr. Shobit Phutella, ld. counsel for flat buyers association of allottees of Tower G, C, & D, Authority is inclined to handover external common services to associations for completion and directs associations to fulfill following conditions so that external services can also be handed over:

(i) Flat Buyers Associations of all towers are directed to form a federation of associations to whom the external common works will be handed over. The federation may prepare estimates of expenses (with escalation) for the common external works. These estimates be got approved by the federation in the AGM of the federation.

(ii) Members of the federation are directed to prepare schedule of installments for payment towards common external works and schedule of development works. The same may also be got approved in the AGM.

On compliance with the above directions of the Authority, the external common development works will be considered for handing over to the federation of associations.

M. Order dated 29.03.2023 wherein Authority had handed over the tower-F to Gloria association and has asked the associations to conduct a meeting for formation of federation for completion of common works. Relevant part of order is reproduced below for reference:-




- i. ***To hand over Tower-F to the association of allottees i.e. for completion of the remaining development works. The association of Tower-F will strictly comply with guidelines and directions given in para-13 of the order dated 15.02.2022. The association will also submit progress report in writing by the next date of hearing.***
- ii. ***Registered associations of all the towers to form a federation and to hold a general body meeting. In order to ensure transparency, the bids for completion of external development works be opened in this general body meeting. This general body meeting shall be conducted on 23.04.2023.***

N. Order dated 01.06.2023 wherein it has been recorded that federation has been formed for completion of external work/services. Relevant part of the order is reproduced below for reference:-

*Vide order dated 15.03.2022, Authority had handed over Tower 'Gemini Grove duplex' and Tower 'Blue Solitaire' to their respective associations for completion of their towers at their own level. Detailed directions were issued to the associations regarding their mode of functioning. Thereafter, Tower D of the project was handed over to the Flat Buyers Welfare Association of Tower - D vide order dated 18.05.2022 and Tower E was handed over to the Flat Buyers Welfare Association of Tower - E vide order 02.08.2022. The associations of Tower-D and Tower E were also directed to strictly comply with guidelines and directions given in para-13 of the order dated 15.03.2022. Subsequently, vide order dated 29.03.2023, Authority has handed over Tower Gloria -F to the internal development work to the Gloria (Buyers) Welfare Association. **Meaning thereby, all the internal services of the all the towers have been handed over to their respective Associations.***

Vide order dated 29.03.2023, Authority observed and directed the registered association of all the towers to form a federation and to hold a



general body meeting. It was further directed that bids for completion of external development works be opened in general body meeting. Since the orders dated 29.03.2023 of the Authority has been complied by the all the registered associations, Authority decides to handover external common services to federation named as "RWA OF CALFORINIA COUNTRY, SECTOR 80, FARIDABAD", and directs the federation to fulfill following conditions as under:

- 1. To comply with guidelines and directions issued at para-13 of the order dated 15.03.2022 passed by the Authority.*
- 2. Members of associations namely Gloria Welfare Association and Sub-urban Welfare Association shall pay their share of initial 25% of the updated estimated cost of common services.*
- 3. All the associations shall contribute 25% of the amount for the external development works and deposit in a separate account maintain by federation for the external development services.*
- 4. Since the external development works has been handed over to the Federation, all the estimates, biddings and payments to be made shall be approved by the General Body Meeting of federation. All the proceedings of the meetings of the federation shall be placed on record for the information of the Authority.*

Case is adjourned to 27.09.2023.

- O. Order dated 18.01.2024 wherein issue of handing over of unsold inventory was raised by Gloria tower and an application for same was filed before the Authority. Relevant part is reproduced below for reference:-

Mr. Anil Chopra, representative of Gloria Welfare Association submitted before the Authority the internal works of TowerF/Gloria have only been 50% completed. Most of the payments had been made by the members of the association to the respondent builder which had been invested



elsewhere leaving a deficit for the complainant association. He prayed that the unsold inventory of the project be handed over to the association for arrangement of further funds for completion of the internal services. In this regard an application for the unsold inventory had been submitted by complainant association in the registry.

In view of the submissions recorded in preceding paragraphs, Authority deems it appropriate to handover the Suburban Floors to Suburban Resident Welfare Association for internal works. The association shall comply with the previous directions issued by Authority in respect of the hand over of respective towers. Suburban Resident Welfare Association is further granted permission to become a part of the federation in the name of "RWA of California Country, Sector 80, Faridabad" for carrying out external services. The federation will expedite recovery of the amount from the members/allottees to complete external development works at the site. Further, the federation shall submit a detailed report in regard to the details of amount collected from respective association-members and status and action plan for completion of external works in the registry latest by 01.03.2024. With regard to the request of Mr. Anil Chopra, Gloria Welfare Association, Authority prima facie observes that it cannot allow handover of unsold inventory to any respective association at this point of time. All the associations are directed to discuss the issue regarding unsold inventory and proportionate share of funds from respective member-associations in a meeting of the federation and apprise the Authority of their decision on next date. Thereafter, Authority shall deem it appropriate to record any observation in this regard. Adjourned to 14.03.2024.

- P. Order dated 04.04.2024 wherein it was recorded that issue of unsold inventory and non-paying allottees be looked into be the Federation by conducting a joint meeting. Other issues raised by federation like



electricity connection, bank loan etc. be filed in writing with proper submissions.

On the other hand, Adv. Rupali S. Verma appeared on behalf of Gloria Tower association in Complaint No. 3134 of 2019 stated that application dated 26.09.2023 is pending for adjudication before the Authority wherein, it is requested by the association to hand over unsold inventory to the Gloria Tower association. With regard to the same, Authority is of the view Gloria Tower association is a part of a Federation, therefore, all decisions concerning the unsold inventory must be made by the Federation itself.

Keeping in view the aforesaid submissions, Authority deems fit to direct learned counsel for the associations to submit an application in writing providing comprehensive details regarding the challenges encountered by the Federation in completing the project. In respect of non-paying allottees and unsold inventory, a joint meeting be conducted by all associations and mutually resolve these issues with regard to the project, as at the present stage unsold inventory cannot be given to only one association. Minutes of said meeting be submitted alongwith latest status report within 2 weeks before the next date of hearing.

Cases are adjourned to 11.07.2024.

Q. Order dated 11.07.2024 whereby Authority had directed the federation to resolve the issued in compliance of directions issued in previous order.

Relevant part of the order is reproduced below for reference:-


Authority directs federation to comply with the earlier directions issued by the Authority on the last date of hearing. Further, federation is directed to submit the minutes of meeting held on 02.06.2024, along with the status report showing recent developments and progress in the project within two weeks from today.

R. Order dated 08.08.2024 wherein it was recorded that federation is facing internal differences in terms of financial aspect and Gloria is not able to pace up with construction of tower due to shortage of funds. Relevant part of the order highlighting the latest stage of project alongwith grievances of association is reproduced below for reference:-

Today, Sh. Shobhit Phutela appeared on behalf of associations and stated that he sought time more time to comply with the directions issued by the Authority on 22.07.2024 and 18.01.2024. He further submitted that the delay in compliance is attributed to a difference of opinion among the associations.

Firstly, with respect to the estimate for the external works, the initial cost was assessed at ₹14 crores. However, following the appointment of a new architect, the estimated cost of the external works has been revised to 28 crores. This substantial increase in the estimated cost has led to a divergence of opinion among the associations.

Secondly, with respect to the unsold inventory, a meeting was convened on 28th July 2024, during which two options were presented to the associations. Option 1 proposed that each association contributes a proportionate share, which would then be allocated to a common pool. Option 2 proposed that each tower retains its own unsold inventory to be utilized for the construction and development of their respective towers. Following this, a vote was conducted. Out of the six associations, four associations-namely, Flat Buyers Welfare Association Blue Solitaire Tower C, Flat Buyers Welfare Association Solitaire Tower D, Tower E California Country Buyers Association Sector Eighty Faridabad, and Gloria Welfare Association-voted in favor of Option 2. The remaining two associations-Dhingra Jardine Suburban Resident Welfare Association and Flat Buyers Welfare



Association Gemini Grove Duplex REGD Sector Eighty, Faridabad-voted in favor of Option 1. He further submitted that certain grievances remain unresolved among the associations.

Furthermore, Advocate Rupali Verma, appearing on behalf of Gloria Association, requested the Authority to direct that the inventory be handed over to Gloria Association so that the internal works could be undertaken by the members of the association, while the federation may continue with the external works concurrently. She informed the Authority that, as per the order dated 9th December 2021 issued by the Authority, the total cost of external and internal works and the total collections made by the association were specified, which clearly indicated that Gloria Tower Association had already collected 90-95% of the amounts from its members. However, the unit was only 25% complete. In light of the same, the Authority had previously directed that the inventory be handed over to Gloria Association to enable it to reach parity with the other associations. She further submitted that Gloria Association is currently facing a shortage of funds, making it difficult to proceed with the construction work in Gloria Tower.

Mr. V.K. Dhoot, the representative of the ***Flat Buyers Welfare Association Blue Solitaire Tower C***, stated that according to the report submitted by DTGP, the construction and development work of Tower C and the Gloria Association were at the same stage when the projects were handed over to the respective associations. Furthermore, the learned counsel for the associations sought some more time to place on record the minutes of the meeting held among the associations. ***He also sought further time to arrive at a meaningful conclusion regarding the construction of the remaining works across the different associations.***

The Authority hereby directs the federation to submit a detailed methodology outlining the manner in which the work will be undertaken by the associations concerning both the external and internal works. The methodology should comprehensively address the scope of work, allocation of responsibilities, timelines, cost estimates, and any other



relevant details to ensure clarity and coordination among all associations involved.

Further, the Authority is of the view that the associations shall prepare a detailed plan, outlining the manner in which the project will be completed, including a timeline for the completion of the construction work, while considering all relevant facts and figures. The associations are further directed to submit a report on the current status of the development work of the project to the registry. Additionally, the Authority directs each respective association to provide data concerning the unsold and unclaimed inventory to the federation. The federation is then required to consolidate this data and submit the same to the registry for the next date of hearing. Cases are adjourned to 24.10.2024.

- S. Order dated 24.10.2024 wherein problems/issues faced by the federation and Gloria association in specific have been recorded. Relevant part of the order is reproduced below for reference:-

*Today, Sh. Shobhit Phutela appeared on behalf of associations/federation and referred to written submissions filed by federation in registry on 21.10.2024 stating that **budget of external works has been elevated from 14.5 crores to 30 crores. Initially all the associations were ready to bear the expenses of their respective towers but Tower-F Gloria association is facing problem of financial crunch at a level that they are not ready to release funds for external services.** In respect of unsold inventory, he stated that approximately 32-24 flats are available in total. Said flats can be used for raising funds only when the project inclusive of all towers common areas and services are lying complete, till then each association has to meet up the requisite funds from on their own.*

Adv. Rupali Verma appearing on behalf of Gloria Association has stated that internal work of tower F is still pending and in order to complete the minimum unit for living, i.e. one room and one bathroom,

an amount of Rs 6- 7 crores is required. Fact remains that structure work of the tower was not completed at the time of taking over of tower for completion by the association, whereas 85% amount was paid by the allottees. She stated that at present, Gloria association is not ready to bear the burden of external services, because they need to complete the internal work and facilitate the allottees to start living there. Only then can the scope of external work can be decided. She affirmed that the association is not running away from its obligations, the only fact is that currently budget/finance does not allow to invest money in external work. Association is facing financial crunch in a way that they have only a budget for continuing construction for next 2 months only. There is no source available with them to pay for the external work. Their request is to let them first complete the internal work and not to force them to pay for external works.

Keeping in view the aforesaid submissions, Authority is of view that the unsold inventory of about 32-34 flats can be used for completion of project but said flats cannot be sold at present in a the current unfinished state; firstly the apartments have to be completed then only funds can be procured after selling of unsold inventory.

In respect of unsold inventory, federation has not come up with a clear decision/conclusion. Further, in respect of expenditure of external works, Authority is of the view that the external works also need to be completed. The federation requires a budget of ₹30 crores for that. As on date, each association except Gloria is ready and willing to move forward for external works. In this regard, Authority directs that federation to provide break up of Rs 30 crores tower wise, as to how much each association/allottee of each tower has to pay. Gloria may put up its problem before meeting of federation and if possible, federation may consider taking amount from Gloria association towards external services at the end i.e once Gloria finishes the internal works for its towers. Federation is again directed to conduct a meeting to resolve the plan of completing external works and internal works of Gloria and try to come to an agreement of all associations upon the issues.



Cases are adjourned to 06.02.2025.

T. Order dated 06.02.2025 wherein it was recorded that federation is not able to resolve the prevailing issues of associations and could not carry out any further progress in the matter. Stand of Tower-F (Gloria) remains that they are not in a financial position to contribute towards share of external services expenditure. In order to resolve all such issues, Authority had decided to hold a meeting on 05.03.2025. Relevant part of the order is reproduced below for reference:-

Today, Sh. Shobhit Phutela appeared on behalf of associations/federation and stated that meeting of associations in compliance of directions issued by the Authority in previous order dated 24.10.2024 took place on 08.12.2024 and 29.1.2024 wherein it has been decided that each tower will keep its unsold inventory and will contribute to the cost of external works based on the saleable area of tower. Further, he apprised the Authority that LOI (Letter of Intent) has been issued by the Federation to contractor M/s A.P Enterprises, Panchkula. Each association of respective tower is ready to bear the proportionate cost of external work of their respective tower only. As such, it is only the Gloria Association which is not able to keep pace with budget required for external work and federation is facing deadlock situation and no further steps towards completing the project can be taken.

Adv. Rupali Verma appearing on behalf of Gloria Association stated that internal work of tower 'F' is still pending and at a stage where they are falling short of even completing the internal work then how can they raise fund for external works. Association is facing financial crunch in a way that they have limited budget for continuing



construction in respect of internal works only. There is no source available with them to pay for the external work and they are not in position to make any contribution towards external work.

Authority vide previous order had directed the Federation/Complainants to resolve the issue of Gloria Association towards external services and if possible, to take amount from Gloria at the end. However, said situation is not yet resolved. Dispute of associations is at stand still stage. In order to adjudicate the said dispute/difference and evaluate the status of project in whole, Authority decides to hold meeting with representative of each of associations involved alongwith their respective counsel, if any.

Representatives of Associations are directed to bring along the documents in support of their claim. Said meeting will take place on 05 March, 2025 at 2:00 P.M in Court room of Authority.

Office is directed to issue intimation in respect of said meeting to all the concerned. Cases are adjourned to 15.05.2025.

4. In compliance of aforesaid order dated 06.02.2025, meeting was held in court room of the Authority on 05.03.2025 at 2:45 pm. Minutes of said meeting are reproduced below for ready reference:-

"1. The project cited at subject was handed over by the Authority vide order dated 15.03.2022 to various Towers Associations for completing their internal development works. Subsequently, Authority directed all the Tower Association to form a "Federation of all the Associations" for carrying out the pending external development works of the project and the progress is being reviewed by the Authority on quarterly basis. However, it has been observed during the last 4 hearings spreading over 5 months that no consensus has been arrived at between the representatives of the various tower associations particularly Gloria Towers Associations, for completing the external development works of the project.



2. *The Authority vide its order dated 06.02.2025, passed a detailed order, the operative part of which is as under:-*

"Authority vide previous order had directed the Federation/Complainants to resolve the issue of Gloria Association towards external services and if possible, to take amount from Gloria at the end. However, said situation is not yet resolved. Dispute of associations is at stand still stage. In order to adjudicate the said dispute/difference and evaluate the status of project in whole,, Authority decides to hold a meeting with representative of each of associations involved alongwith their respective counsel, if any. Representatives of associations are directed to bring along the documents in support of their claim. Said meeting will take place on 05.03.2025 at 2.00 P.M. in Court Room of the Authority."

3. *That today, representatives of all the Tower Associations appeared before the Authority. Representative of the Federation informed that all the associations, except the Association of Gloria Tower, are at a common platform and are ready to contribute towards the cost of external development works of the project, amounting to Rs. 30 crores approximately. However, the Association of the Gloria Tower is not agreeing to contribute for the development of external development works on the pretext that their internal works are lagging behind as the funds collected from allottees of their tower have been invested in construction of other towers. They require an amount of Rs. 19 crores approximately for completion of their internal development works. Since construction of internal works of their towers is pending, they have bleak chance of it being completed without the support of allottees of other towers. Therefore, the Association of the Gloria Tower is not in a position to contribute for the external works.*

4. *Divergent views were expressed by the representatives of the various Towers Associations during the course of discussions for completion of the project. It was also pointed out that the size of flats in various towers are different, the stages of construction in various towers differ, the payment plan differs the available unsold inventory differs etc. Authority observes that due to complexities of issues involved, it is difficult for the various*



Towers Associations and the Federation to complete the project in a time bound manner. Therefore, some common parameters must be defined which shall be uniformity applicable to all allottees. Hon'ble Chairman made it very clear to the participants that the intention of the Authority is to get the project completed (both internal and external works) upto the stage of grant of occupation certificate by the department of Town and Country Planning, Haryana. He also made it clear that if the Associations of various Towers will not cooperate in achieving the above objective, the Authority will be constrained to take the project back from the Associations and offer it to the Govt./Builder for completion as Authority cannot endlessly wait for the consensus amongst the associations.

5. After detailed deliberations with the representatives of the associations, Authority decides to pass the following directions:-

i) Way back in the year 2021, the Authority had directed the Associations of individual towers to complete their internal development works. However, the entire project is to be treated as one for the purpose of obtaining Occupation Certificate, thus minimum basic construction of each tower with external facilities has to be completed for grant of occupation certificate by the competent authority. Thus Federation of all the Associations was got formed for completion of external development works. However, in view of the ongoing disputes amongst various Associations and Federation, Authority is of the view that Federation of Association should take the responsibility of completion of the project, including construction of internal development works of each tower upto the stage of grant of Occupation Certificate. For that purpose, the Federation of Association will get the detailed estimates prepared from the common Architect of all the Associations. The estimate for completion of pending works shall be on per sq. ft basis and escalation, if any, shall be on prorata basis uniform for all the towers, so that the contribution of allottees of various towers proportionate to the size of their unit area is determined, ensuring proportionate cost distribution among all the unit owners;

ii) The Federations shall also get a detailed "PERT Chart" prepared from the Architect for completion of the entire project (for completion of



internal development works and external development works of various towers) and will share it with the representatives of all the associations for regular monitoring of the development works and to ensure adherence to scheduled timelines of different stages of development;

iii) The Federations shall start development of external development works with the funds available without insisting the Associations of Gloria Tower to contribute for the same, for the time being. However, once both the internal and external development works are started and the progress is to the satisfaction of the Authority, the Authority may direct the Gloria Towers Associations also to make part of their contribution towards external development works.

iv) Once the construction activities are started at site, the unsold units are likely to fetch much more premium as is available today, which can be utilized for completion of the project. The directions regarding unsold inventory shall be issued by the Authority at an appropriate time during the further course of hearings of complaints of various Flat-Buyers Associations.

v) A separate costing assessment shall be got conducted by the Federation of Association for EWS (Economically Weaker Section) Flats to fulfill the requirements for obtaining the Occupation Certificate in compliance with regulatory provisions.

The Federation of Associations will submit a status report on the above directions of the Authority atleast 10 days before the next date of hearing before this Authority i.e. by 05.05.2025.

Meeting ended with a vote of thanks to the Chair."

5. Accordingly, federation has submitted the status report/detailed methodology for completion of external amenities work of project in registry on 12.05.2025 wherein it is submitted that :-

-The Apex body held the meeting on 30.03.2025 as per your guideline for merging the internal and external work of all towers. Copy of MOM is



attached herewith as Annex-I for your ready reference and the highlights are as under :-

-All the 5 associations (Suburban, Tower-C, D E and Gemini) of Federation unanimously agreed to complete the external work both civil and electrical except Gloria which did not agree to pay the funds for external work.

-It was unanimously decided that for external work all the 6 associations has to pay their share of contribution from day one as external work liability is for all the 6 towers and independent of respective tower internal work. Buyers refused to accept the proposal that Gloria pay later for external work. Buyers are already under tremendous financial stress to share the portion of Gloria.

-All 5 associations of Federation unanimously agreed to deposit Rs 50 lacs each in the federation external work account except GLORIA. Meeting with Architect was fixed to discuss the merging of internal work of all towers.

-Federation urged Gloria to start contributing for external work from day one as their share and slow down their internal work so that external work picks up momentum and Gloria can sell their inventory at good value to bridge the gap of their internal work if permitted by HRERA chair because the orders are on hold for inventory by HRERA chair. Refer MOM dated 30.03.2025.

-Contents of MOM dated 30.03.2025 is as follows:-

a. All other five the members of Apex Body unanimously (Sub-urban, Gemini, Tower-C,D,E) except GLORIA expressed that RERA Observation is harsh, unfair and undermines interest of 5 towers, i.e. 535 buyers/78% , in the pretext of disproportionate work completion of Gloria tower 152 buyers. It is also against all the previous orders of HRERA in the year 2022-2023 duration which were basis of starting individual tower internal work. All 5 associations have spent INR over 20 crores in their respective towers internal work on HRERA orders to build up their internal towers with their own resources. This was also quoted to HRERA Chair in meeting held on 05.03.2025 in HRERA Court room at Panchkula.

-Federation (all the 5 associations except GLORIA) has unanimously agreed that each respective association of all the 6 towers has to pay their external work share from day one to start because external work and internal work are separate and it is wrong and against the project to combine the two.

-In case the efforts with Gloria are infructuous and none committed to pay for external services, The federation unanimously is committed to move forward excluding Gloria. The federation whose all 5 members on same page unanimously agreed, accepted and passed resolution to invoke all legal processes available at their disposal with HRERA/HRERA Appellate Authority/ or any other higher authority in the interest of project and 78% buyers because if their interest and mandate is not respected and safeguarded this project can never be completed.

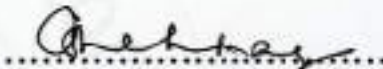
6. Keeping in view the aforesaid submissions and relevant order/directions already passed in captioned complaints, Authority is of view that relief sought of 'handing over of respective-tower to each association' has already been granted vide orders of different dates (Tower-C and G on 15.03.2022, Tower-D on 18.05.2022, Tower-E, Tower-F (gloria) on 29.03.2023 and Sub-urban on 18.01.2024). Thereafter, Authority had been actively putting efforts for monitoring the completion of project (in whole). Disruptions arose at the time of contribution towards funds required for completion of external work. Gloria in particular is facing financial hardship as their internal work is not complete and at present they are not in position to contribute their part for completion of external work. Considering it as internal dispute, Authority had directed the Federation to discuss the issue in meeting and to resolve the same with mutual understanding. However, despite affording 3-4 opportunities, the issue remained unresolved. Accordingly, Authority considering it as crucial step towards completion of



whole project, decided vide order dated 06.02.2025 to hold a meeting on 05.03.2025 for resolving the disputes among associations. Said meeting took place on 05.03.2025 at 2:45 P.M and minutes were duly communicated to the concerned parties. As per Authority's decision, Gloria should not be forced at present to bear the expense of external work and same shall remain recoverable, at a later stage felt appropriate by the Authority. However, to the surprise, the federation (all 5 associations except GLORIA) termed the order/directions conveyed vide minutes of meeting dated 05.03.2025 as harsh and unfair. They refused to follow the orders of the Authority and outrightly 'rejected' the orders. Authority since 2019 is going out of way to help the associations for completion of project. Extra-ordinary measures were/had been taken for getting the project completed through the associations of different towers. Authority expects all the associations to cooperate with each other. Unless all the associations cooperate and arrive at a mutual understanding, resolution to the problem cannot be found and the whole of project will remain in limbo. Directions conveyed vide minutes of meeting were in the interest of all the associations in order to arrive at a workable formula for completion of external work.



7. The action of the associations in passing a resolution against the statutory orders of the Authority; and willfully defying the order may entail serious legal consequences. *Therefore, the Executive Director is ordered to start proceedings against the erring associations who will be issued a show cause.*
8. Since the major relief of handover the project to the respective associations have already been adjudicated upon, the complaints in question stand disposed off.


CHANDER SHEKHAR
[MEMBER]


DR. GEETA RATHEE SINGH
[MEMBER]


NADIM AKHTAR
[MEMBER]


PARNEET S SACHDEV
[CHAIRMAN]