



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 1835 OF 2023

Maxheight Metroview Apartments RWA

....COMPLAINANT

VERSUS

1. Brahma Maintenance Services Private Ltd.

2. Ms Maxheights Township and Projects Pvt. Ltd.

3. Maxheights Metroview Residents Welfare AssociationRESPONDENTS

CORAM:

Parneet S. Sachdev

Chairman

Dr. Geeta Rathee Singh

Member

Date of Hearing: 30.04.2026

Hearing: 8th

Present: Mr. Tarjit Singh, counsel for the complainant through VC

Ms. Nikita Sharma, Counsel for the respondent no. 1.

None for respondent no. 2

Ms. Mallika Dhillon, Counsel for the respondent no. 3.

ORDER (PARNEET S SACHDEV - CHAIRMAN)

1. Complainant being a registered association bearing no. IIR/008/2020/01606 dated 07.01.2020 vide present complaint is seeking following reliefs:-

- i. To direct the Respondent no. 1 to handover the maintenance of Maxheights Township and Project Pvt. Ltd., developed by the respondent no 2 to the Complainant i.e registered association with the necessary documents regarding layout plan, building Plan etc.
- ii. To direct the Respondent no. 1 to pay the interest-free maintenance of Rs. 3,61,06,750 approx(three crores sixty-one lacks six thousand seven hundred fifty only) of all flats i.e 973 of Maxheights Township and Project Pvt. Ltd., Sector 35, Jateri, Sonipat to the complainant i.e., registered Association.
- iii. To direct the Respondent no. 1 to refund the maintenance charges of Rs 7,76,00000/approx (Seven crore seventy-six lacs) collected from the members/Flat Owners of Maxheights Metroview Apartment, sector -35, Jateri, Sonipat from 01-05-2016 to 24-11-2017 along with the interest of 24% per annum to the complainant i.e registered association.
- iv. To direct the Respondent No. 1 to provide a copy of the Maintenance Agreement with the Respondent No. 2 regarding the maintenance of Maxheights Metroview Apartment, Sector-35, Jatheri, Sonipat, Haryana to the complainant.
- v. To direct the Respondent no. 1 to repair the Water Software Plant/RO Plant of the Society
- vi. To direct the Respondent no. 1 to repair the STP Plant before handover the maintenance.
- vii. To direct the Respondent no. 1 to give the details of expenses incurred on the maintenance as well as income accrued from the maintenance of Maxheights Metroview Apartment, Sector-35, Jateri, Haryana to the Complainant from July 2017 to till date.
- viii. To direct the Respondent no. 2 to execute the registered Conveyance Deed of Common Area to the Complainant i.e. Registered Association.
- ix. To direct the Respondent no. 1 to repair as well as whitewash of the Buildings of Maxheights Metroview Apartment, Sector-35, Jatheri, Haryana before handover of maintenance.
- x. To direct the Respondent no. 2 to help in the handover of the maintenance to the complainant being a Promoter/Builder from the Respondent no. 2.



- x. *To direct the Respondents to fulfill the obligations as per section 11 of as well as other sections/ Provisions of the Real Estate (Regulation and Development) Act, 2016.*
 - xii. *To direct the Respondent no. 1 to clear all the dues of electricity UHBVN or Electricity connection.*
 - xiii. *To direct the Respondent no. 1 to clear all the dues of Municipal Corporation, Pollution Control Board, DGTCP etc. or any dues to any Government or Private Vendors, if Any.*
 - xiv. *Any other direction or order which this Hon'ble Authority may being fit in the circumstances of the case.*
 - xv. **Interim relief:** *To direct the respondent no. 1 to open an escrow account with the complainant i.e. registered association during pendency of the complaint.*
2. Vide order dated 03.04.2025, Authority had stated as follows:
- i. *Complainant is directed to file detailed written submissions by 4th July 2025, clearly explaining the maintainability of the present complaint, the sections under which the claimed reliefs lie, and how such reliefs fall within the jurisdiction and purview of this Authority under the Real Estate (Regulation and Development) Act, 2016.*
 - ii. *Complainant is also directed to file written submissions incorporating the arguments and contentions advanced during the course of today's hearing within this time period.*
 - iii. *Respondent no. 3 is directed to place on record the order dated 29.04.2024 passed by the Hon'ble National Company Law Tribunal, New Delhi, in IA (IBC)/6588/ND/2023 in C.P. (IB)/26/ND/2023, by 4th July 2025.*
3. Pursuant to the last order, respondent no.3 has placed on record the order dated 29.04.2024 passed by the Hon'ble National Company Law Tribunal, New Delhi, in IA (IBC)/6588/ND/2023 in C.P. (IB)/26/ND/2023. Complainant had filed its written arguments on 10.10.2025.



4. Today, Id. counsel for respondent no. 3 appeared and referred to order dated 11.03.2026 passed by District Registrar Of Firms & Societies Sonapat in a complaint under section 7(3) of HR&RS Act, 2012 filed by Sh. Veenit Malhotra, Secretary, Maxheights Metroview RWA (Reg. No. 03084), i.e. respondent no. 3. She stated that as such two associations are framed within a single project and dispute is already lying with concerned authority.
5. Rebutting, Id. counsel for complainant stated that complainant is a registered association and its registration certificate is annexed as Annexure C-13. Moreover, said registration still holds validity as same has not been cancelled. He argued that no relief in particular is sought against respondent no. 3. Reliefs of handing over of IFMS amount is being asked from respondent no. 1 only. Respondent no. 1 is the assignee of respondent no. 2 duly recognized as promoter under Section 2 (za) of RERA Act, 2016. He pressed upon that complaint is maintainable and any conflicting dispute vis-à-vis different associations does not create any bar to decide present complaint in favour of complainant.
6. The Authority has gone through rival contentions and relevant documents. In light of the background of the matter and also the arguments submitted by both the parties, factual position that emerges out herein is that there are two associations working/operating in project-'Metroview Apartment Society, Sector-35, Sonipat'. Two different associations are, complainant



bearing registration number HR/06/008/2020/01605 dated 08.01.2020 and respondent no. 3 bearing registration number HR/008/2019/03084 dated 18.07.2019. As such, the inter-se dispute between two associations is already pending before District Registrar of Firms & Societies, Sonapat. Relevant part of the order dated 11.03.2026 from the Registrar is reproduced below for reference:-

*"After hearing the parties and examining the material available on record, the primary statutory provision governing the present controversy is Section 7(3) of the Act, which expressly provides that no society shall be registered with an identical or closely resembling name of an already registered society. As per the record, the society namely "Maxheights Metroview Residents Welfare Association" was registered earlier vide Registration No. HR/008/2019/03084 dated 18.07.2019, whereas the society namely "Max Heights Metro View Apartment RWA" was subsequently registered vide Registration No. HR/06/008/2020/01606 dated 08.01.2020. **Both societies pertain to the same residential complex having names substantially identical and closely resembling nature and both claim representation of the same residents.***

*Even if the subsequently registered society were to change its name, the substantive conflict would continue to subsist, as both societies would still claim representation over the same residential complex and residents. The issue in the present case is therefore not confined to just nomenclature but extends to overlapping jurisdiction and functional identity, which cannot be cured merely by change of name. **The subsequent registration, therefore, is found to be contrary to the statutory prohibition contained in Section 7(3) of the Act.***

The contention of the respondent that the complainant society is non-compliant pertains are independent governance and compliance issues of the complainant society, which do not cure or matters under the provisions of the IIR&RS Act, 2012 and contained in Section validate a registration otherwise hit by the statutory bar. The alleged non-compliance is already under scrutiny by an enquiry officer deputed by this office and the same



does not the confer legality upon the subsequent registration granted in contravention of the Act.

At the same time, it is also observed that the members of the subsequently registered society cannot be made to suffer for the statutory defect and their collective interest interests deserves to be protected in an equitable manner so as to avoid prejudice. Considering the object of Residents Welfare Associations, which is to represent the common interests of residents of a particular residential units, the existence of two parallel RWAs for the same complex is neither administratively desirable nor consistent with the scheme of the Act.”

7. At this stage, the crucial issue is; which of the associations be deemed fit for taking over of maintenance of project along with transfer of IFMS funds. As per Section 11 (4) (c) of the RE (R&D) Act,2016, the promoter is obligated to enable the formation of an association or federation. Herein, dispute qua valid association cannot be decided before this Authority. Further, the complainant association has not been able to demonstrate majority vis-à-vis the allottees. It is critical that the issue of representative association be decided first by the competent authority. Secondly, the complainant has not been able to demonstrate how the reliefs in question are covered u/s 31 of the RE(R&D) Act. Without going into merits of the case, Authority observes that there does not exist one representative association, including the complainant. IFMS cannot be ordered to be transferred to the complainant under these circumstances. Reliefs cannot be adjudicated.

8. Accordingly, captioned complaint stands dismissed. File be consigned to record room after uploading of order on website.

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DR. GEETA RATHEE SINGH
[MEMBER]

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PARNEET S. SACHDEV
[CHAIRMAN]

