



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

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| Complaint no.: | 481 of 2025 |
| Date of filing: | 01.05.2025 |
| Date of first hearing: | 07.07.2025 |
| Date of decision: | 14.05.2026 |

Supermax Resident Welfare Association

Office at: A-301, Supermax the New Town,
Sector-33, Stadium Road,
Sonipat, Haryana-131001

....COMPLAINANTS

VERSUS

Supermax Affordable Housing Pvt Ltd.

Registered office: UG-60, Parker Mall, Upper Ground Floor,
NH-1 Kundli, Sonipat-131028

.... RESPONDENT

CORAM:

Parneet S Sachdev
Dr. Geeta Rathee Singh
Chander Shekhar

Chairman
Member
Member

Present: Mr. Jai Kanwar Antil, President of complainant Resident Welfare Association, through VC.

Mr. Neeraj Goel, counsel for the respondent, through VC.

ORDER (PARNEET S SACHDEV – CHAIRMAN)

1. Present complaint dated 01.05.2025 has been filed by the complainant association under Section 31 of the Real Estate (Regulation & Development) Act, 2016 (for short Act of 2016) read with Rule 28 of the Haryana Real Estate (Regulation & Development) Rules, 2017 for



violation or contravention of the provisions of the Act of 2016 or the Rules and Regulations made thereunder, wherein it is inter-alia prescribed that the promoter shall be responsible to fulfil all the obligations, responsibilities and functions towards the allottee as per the terms agreed between them.

A. FACTS AS PER THE COMPLAINANT

2. The facts of the present case are that the complainant is Supermax Resident Welfare Association (RWA), a duly registered body under the provisions of the Haryana Registration and Regulation of Societies Act, 2012.
3. That the present complaint has been filed under Sections 11, 14, 19, 31, 35, 36, 37, 38, and 61 of the Real Estate (Regulation and Development) Act, 2016, read with Rule 28 of the Haryana Real Estate (Regulation and Development) Rules, 2017, and other applicable provisions, by the Supermax Resident Welfare Association through its President, Mr. Jai Kanwar Antil, against the promoters.
4. That the respondent developed a real estate project, namely "Supermax The New Town", being an affordable group housing colony situated over an area of approximately five acres in Sector-33, Sonipat, Haryana. The said project is duly registered under RERA bearing Registration No. 343 of 2017 dated 27.10.2017.

5. That the Department of Town and Country Planning, Haryana, has issued Occupation Certificates dated 26.10.2021, 19.01.2023, and 28.12.2023. Further, a Completion Certificate has also been granted on 18.09.2024 vide Memo No. LC-3231-JE(MK)/2024/29484.
6. That the complex consists of 743 dwelling units/ flats and more than 60 per cents of units/ flats were sold and occupied by the residents and RWA has been formed in the society. That after formation of the resident welfare association, the officials of the Supermax RWA approached the respondent and requested the handover of maintenance, common areas, and essential services to the RWA, along with formal recognition of the RWA for all purposes. However, the respondent failed to do so and no satisfactory response has been received from the respondent. Copies of the email correspondence between the complainant and the respondent are annexed as **Annexure 1** with the complaint.
7. That the complainant submits that repeated requests were made to the respondent to provide monthly receipts/bills towards common area maintenance charges, DG consumption charges, and other applicable charges. However, no satisfactory or positive response has been received from the respondent. It is further submitted that, till date, the respondent has failed to issue proper maintenance bills/receipts,



including GST-compliant invoices, to the residents, thereby causing inconvenience and lack of transparency in the collection of charges. Copy of mail for requesting receipts and requesting updated approved layout plan/drawing is attached as **Annexure 2** with the complaint.

8. That it is further submitted by the complainant that significant deviations have been observed between the approved layout plans and the actual construction carried out by the respondent. As per the approved layout plan for Commercial Part-I of the project, there were provisioned 13 shops on the ground floor and 13 shops on the first floor. However, the respondent has constructed 14 shops on the ground floor and 14 shops on the first floor. That the aforesaid deviation constitutes a clear violation of the sanctioned layout plan approved by the Department of Town and Country Planning (DTP), Haryana, and reflects unauthorized construction on the part of the respondent. Photos of extra constructed shops and layout plan of commercial part I Drawing no. S-03 are attached as **Annexure 3** and **Annexure-7** with the complaint respectively.
9. That it is alleged by the complainant that the additional construction carried out at the project site has been undertaken without obtaining the prior consent of at least two-thirds of the allottees, as mandated under Section 14 of the Real Estate (Regulation and Development) Act, 2016,



read with Rule 17 of the Haryana Real Estate (Regulation and Development) Rules, 2017, thereby constituting a clear violation of the said provisions. That it is further submitted that construction activities are still ongoing at the project site despite the issuance of the Completion certificate of the project.

10. That the complainant has submitted that there are following deficiencies in the project-

| Sr. No. | Deficiencies | Remarks |
|---------|--|---|
| 1 | Commercial Part 1 and 2 of the Project | Extra shops/additional construction has been made in commercial part 1 and commercial part 2. |
| 2 | STP condition | STP is not in proper working condition |
| 3 | Rooftop Solar Panels | Rooftop Solar Panels has not been installed till the date. |
| 4 | Entry/Exit of the society | Entry and exit are not as per in layout plans. |
| 5 | Boundary Wall | According to the layout plan front boundary wall has not been constructed till the date |
| 6 | Dampness in walls | At multiple places there is dampness in walls due to bad construction work. |

11. In light of the foregoing facts, the complainants have filed the present complaint before this Hon'ble Authority seeking the reliefs as prayed for herein.

B. RELIEFS SOUGHT

12. In view of the facts mentioned above, complainant prays for the following relief(s):-

- i. To direct respondent for giving all approved layout plans to the residents for transparency and share all necessary information related to the project under section 19(1), (5) of the act.
- ii. To direct responsible/Local officer to inspect the full project site named "Supermax The New Town" and impose penalty/fine on respondent if unauthorized or unlawful construction found.
- iii. To pass an interim order to initiate an inquiry under section 35 of the ACT on working of the respondent for given deficiencies and differences between layout plan and constructed building/site.
- iv. To direct the respondent to stop the construction work on the site as he obtained the Completion Certificate from the Department. As per Act "Completion Certificate" means real estate project has been developed according to the sanctioned plan, layout plan and specifications and pass an interim order to stop construction work under section 36 of the RERA Act 2016.
- v. To direct respondent to construct the front boundary wall as per layout plan and rectify all given deficiencies or any other



deficiency which will find during inspection of local officer in the project.

- vi. To impose penalty upon the respondent as per the provisions of section 61 of RERA Act for contravention of section 14.
- vii. Direct the respondent to provide the details of amount deposited by the allottees under IFMS, electricity charges, advance maintenance charges and other charges paid by allottees, to the Supermax Resident Welfare Association.
- viii. Direct the respondent to handover complete charge of maintenance, all amount collected under the head of maintenance, any other charges, common areas and essential services to RWA.
- ix. To direct respondent to deposit all amount earned by the extra constructed shops in commercial part 1 in the account of Supermax RWA.
- x. To direct respondent to provide maintenance/GST and other charges receipts to residents.
- xi. To handover all original files and other documents related to the Supermax The New Town Project to the Supermax Resident Welfare Association.



- xii. Any other relief which this Hon'ble authority deem fit and appropriate in view of the facts and circumstances of this complaint.

C. REPLY SUBMITTED ON BEHALF OF THE RESPONDENT

Reply on behalf of the respondents, was filed on 10.11.2025 through their ld. counsel wherein it is submitted as follows:

13. That the respondent has contended that the present complaint is not maintainable on account of lack of locus standi and absence of valid representative authority of the complainant RWA. In support thereof, reliance has been placed on documentary evidence and judicial findings available on record, including the order dated 16.09.2025 passed by the District Registrar of Societies, Sonipat.
14. That the respondent has submitted that it has duly developed and constructed 743 flats under the Affordable Housing Scheme, after obtaining all requisite approvals, permissions, and clearances from the competent authorities.
15. That it is further submitted that the Occupation Certificate was duly obtained in the year 2021 and the Completion Certificate was issued in 2024, thereby evidencing compliance with all statutory requirements and regulatory obligations. That the respondent executed the Deed of Declaration on 15.04.2025. Copies of the Completion Certificate and



Deed of Declaration are annexed as Annexure R-1 and Annexure R-2 respectively.

16. That it is submitted by the respondent in its reply that the present complaint has been filed with deliberate suppression of material facts, particularly with regard to the actual membership status of the RWA, its wilful non-compliance with the directions issued by the District Registrar, and its obstruction of the rights of residents seeking membership. The conduct of the RWA in seeking to represent the residents before this Authority, while simultaneously restricting its own membership and refusing to admit over 60 residents, amounts to a fraud upon the Authority and renders the complaint liable to be dismissed at the threshold on this preliminary objection alone.
17. That the complainant RWA has falsely claimed to represent the "majority of allottees." However, as per the order dated 16.09.2025 passed by the District Registrar of Societies, Sonipat (Annexure R-3), it was found that the RWA had enrolled only 26 members out of 743 flat owners (approx. 3.5%), which is wholly insufficient to claim representative capacity. The said order further records that 61 eligible residents were deliberately denied membership by the RWA, including by blocking online payment facilities, thereby evidencing intentional restriction of membership. Despite directions dated 12.03.2025



(Annexure R-4) to admit members as per bye-laws, the RWA failed to comply, reflecting wilful non-compliance and lack of bona fide intent. Consequently, the RWA lacks democratic legitimacy and locus to maintain the present complaint.

18. That as per section 11 (4)(e) of the act, the provision states that an "association of allottees" represents the majority of those who have booked units. That intent of legislature is clear that only an association with majority representation can legitimately claim to represent the collective interest of allottees and bind the promoter to obligations.
19. That the respondent has relied on the case of **Chairman, Tamil Nadu Housing Board v. T.N. Ganapathy (1990) 1 SCC 608** wherein it was held that "The provisions of Order 1 of Rule 8 have been included in the Code in the public interest so as to avoid multiplicity of litigation. The condition necessary for application of the provisions is that the persons on whose behalf the suit is being brought must have the same interest. In other words either the interest must be common or they must have a common grievance which they seek to get redressed. The Court, while considering whether leave under the Rule should be granted or not, should examine whether there is sufficient community of interest to justify the adoption of the procedure provided under the Rule." That applying this principle, a body representing only

26-33 members out of 743 (representing 0.5-1% of affected persons) cannot be said to have "sufficient community of interest" to represent all 743 allottees. Further, the 700+ non-members do not have common grievance with the 26-33 members; rather, they have suffered harm by being deliberately excluded from membership.

20. That the Respondent has filed a petition under Section 59 of the Haryana Registration and Regulation of Societies Act, 2012, before the District Registrar of Societies, Sonipat, seeking cancellation of the RWA's registration on the grounds that:
 - i. The RWA has failed and refused to admit apartment owners as members despite explicit court direction;
 - ii. The RWA's governance is exclusionary and violates the principles of democratic participation;
21. That the complainant RWA has misled the Authority by submitting false status reports claiming compliance without actual enrollment of members. A petition under Section 59 remains pending before the District Registrar, and its outcome may result in cancellation of the RWA's registration, rendering the present complaint infructuous and non-maintainable. Even otherwise, the pendency of such proceedings casts serious doubt on the legal status of the RWA, making it improper



for this Authority to adjudicate upon complaints filed by a body whose very existence is under challenge.

22. It is further submitted that the District Registrar has made adverse observations regarding the conduct of the RWA, including allegations of favoritism in granting membership, lack of authority of its office bearers due to non-democratic functioning, and disregard of binding directions. The RWA has, inter alia, deliberately refused membership to eligible residents, blocked online payment facilities, failed to utilize designated premises for membership registration, and submitted misleading compliance reports, thereby demonstrating exclusionary conduct and lack of bona fides.
23. Further, respondent has submitted that it has never refused to handover maintenance and essential services to a properly constituted representative association of allottees and stated that it is fully prepared to discharge it. However, the respondent cannot handover management to a RWA that is not representing majority of allottees as well as not operating through democratic legitimacy.
24. Further, on substantive allegations of unauthorized construction, respondent has contended following averments-
- i. The Respondent has developed the project in full compliance with the layout plans and specifications approved by the Department of Town



and Country Planning (DTP), Sonipat and other competent authorities.

The Town and Country Planning Department, Haryana, has issued Completion Certificate dated 18.09.2024 (Memo No. LC- 3231-JE(MK)/2024/29484), which certifies that the project has been developed in accordance with sanctioned plans and specifications.

iii. Respondent constructed the commercial space with sanctioned area and received occupation and competition certificate of constructed area.

iv. The front boundary wall construction status requires site inspection by the Authority's representatives. If any deviation from approved plans exists, the Respondent is ready to rectify under Section 14(3) obligations within 30 days of notice.

25. Additionally, it has been submitted that the Respondent acknowledges its statutory obligations under Section 14(3) of the RERA Act regarding defect rectification within the five-year warranty period. However, specific allegations require detailed factual examination and independent technical assessment. The Respondent is prepared to rectify any legitimate defects upon proper verification.

26. That the Respondent has maintained transparent billing records and is prepared to provide complete documentation of all maintenance charges collected, GST bills, and account statements. Any request for specific financial information can be addressed through formal communication



with proper identification of requestor's authority.

That the respondent reserves its right to file a detailed reply in future if so, required after the decision of preliminary objections on the ground of maintainability.

D. REJOINDER ON BEHALF OF THE COMPLAINANT-ASSOCIATION

Rejoinder on behalf of the complainant-association, was filed on 03.11.2025 through their ld. counsel wherein it is submitted as follows:

27. That the Complainant is a duly registered association under the provisions of the Haryana Registration and Regulation of Societies Act, 2012. It is submitted that the front boundary wall of the complex has not been constructed till date in accordance with the approved layout plan, as evident from Annexure-IV.
28. That the Respondent has carried out unauthorized additional construction in the commercial component of the project, namely Commercial-I, wherein extra shops have been erected beyond the sanctioned plan.
29. That the Complainant seeks intervention of this Hon'ble Authority under Sections 11(d), 11(f), 14(1), 14(3), 17, 19, 31, 35, 36, and 61 of the Real Estate (Regulation and Development) Act, 2016, to address the



violations committed by the Respondent and to secure the reliefs claimed herein.

30. That in compliance with the directions of this Hon'ble Authority vide order dated 07.07.2025, requiring clarification on how the reliefs sought fall within the ambit of the Real Estate (Regulation and Development) Act, 2016, the Complainant respectfully submits as under:

- i. The Complainant has placed reliance on Sections 14(1) and 14(3) of the Act, which mandate that the promoter shall develop and complete the project strictly in accordance with the sanctioned plans, layout plans, and specifications approved by the competent authority. It is submitted that the Respondent is under a statutory obligation to construct the front boundary wall as per the approved layout plan and failure to do so constitutes a clear violation of the said provisions.
- ii. The Complainant has further invoked Section 35 of the Act, praying that this Hon'ble Authority may appoint an appropriate person to conduct an inquiry into the affairs and conduct of the Respondent promoter, in light of the alleged violations.
- iii. That as per Section 14(2)(ii) of the Act, the Respondent is prohibited from making any additions or alterations in the sanctioned plans without obtaining prior consent of at least two-



thirds of the allottees. The unauthorized construction of additional shops in the commercial area is in direct contravention of this provision.

- iv. That in terms of Sections 11 and 17 of the Act, the Respondent was under a statutory obligation to facilitate the formation of an association of allottees, execute necessary conveyance deeds, and hand over all relevant documents along with maintenance responsibilities to the association, namely Supermax RWA. The Respondent has failed to comply with these mandatory obligations.

E. ADDITIONAL DOCUMENTS FILED BY THE COMPLAINANT

That the complainant has filed written submission dated 06.05.2026 as a reply to preliminary objection filed by the respondent stating therein-

- i. That the Complainant, being a duly registered Resident Welfare Association, possesses the requisite legal standing and representative capacity to file and pursue the present complaint before this Hon'ble Authority for the collective welfare and protection of the rights and interests of the allottees of the project "Supermax-The New Town".
- ii. That the Complainant seeks dismissal of the preliminary objection and a direction for the Respondent to address the substantive issues



raised in the complaint on the following grounds- that the Act, being a special welfare legislation, mandates the formation of an “association of allottees” and does not prescribe any minimum membership threshold for such an association to initiate proceedings against a defaulting promoter.

- iii. That Section 11(4)(d) and (e) of the RERA Act, 2016 unequivocally casts a statutory obligation upon the promoter to facilitate the formation of an “association of allottees” and thereafter hand over the common areas and maintenance responsibilities. The Respondent, having failed to discharge this fundamental statutory duty, cannot now be permitted to question the representative capacity of the only existing registered association of allottees. The Respondent’s attempt to deflect from its own non-compliance by raising objections regarding the Complainant’s membership is a clear abuse of process.
- iv. That the Respondent’s arguments regarding the Complainant’s membership strength are disingenuous and directly attributable to the Respondent’s own mala fide actions and deliberate obstruction. The Respondent’s act of filing a petition under Section 59 of the Haryana Registration and Regulation of Societies Act, 2012 seeking cancellation of the Complainant’s registration is a clear



and deliberate attempt to destabilize the RWA and prevent it from gaining strength and fulfilling its mandate. The Respondent cannot be allowed to benefit from its own wrong by first obstructing and then citing low membership as a ground to deny locus standi.

- v. That the orders of the District Registrar dated 12.03.2025 and 16.09.2025 are prospective in nature, providing directions for future compliance and facilitation of membership growth. The said orders do not invalidate the existing registration of the Supermax Resident Welfare Association or strip it of its legal personality or right to represent the allottees before this Hon'ble Authority. The Complainant's registration remains valid and subsisting. Further, the Hon'ble Authority's role is to ensure compliance with the RERA Act and not to await the outcome of a separate ongoing administrative process, especially when the promoter is actively involved in creating the very conditions it complains about. Both complaints filed by the Respondent before the Registrar's office have already been disposed of and compliance/status reports have also been submitted therein.
- vi. That the Respondent's reliance upon the judgment of the Hon'ble Supreme Court in Chairman, Tamil Nadu Housing Board v. T.N. Ganapathy, (1990) 1 SCC 608, concerning Order I Rule 8 of the



Code of Civil Procedure, 1908, is wholly misplaced. Proceedings before this Hon'ble Authority are summary in nature and governed by the RERA Act, which is a special statute. The term "association of allottees" under the RERA Act is required to be interpreted broadly and purposively so as to ensure consumer protection and promoter accountability. It does not impose any strict numerical threshold for maintaining complaints.

- vii. That the common grievances regarding the Respondent's defaults, including issues relating to maintenance, common areas and alleged unauthorized construction, affect all allottees, and the Complainant, being the only registered body, is the appropriate entity to raise and pursue such concerns.
- viii. That the Respondent's preliminary objections are merely a calculated tactic to divert attention from its own failure to comply with statutory obligations under the RERA Act, including timely handover of maintenance and common areas, rectification of defects under Section 14(3), ensuring transparency in maintenance charges, and compliance with penalties concerning additional construction and other violations under the RERA Act. The Complainant's complaint addresses these core issues, which directly affect the welfare and rights of all allottees. Denial of locus



standi to the Complainant would effectively shield the Respondent from accountability for its continuing defaults and perpetuate the hardships faced by the residents.

- ix. That the Respondent's proposal requiring the Complainant to achieve 50% membership prior to handover is an attempt to impose an arbitrary condition not contemplated under the RERA Act and to further delay discharge of its statutory obligations.
- x. That the Respondent's duty to hand over the project is not contingent upon any specific membership percentage, but rather upon the formation of an "association of allottees", which the Complainant, being a registered body, already constitutes. The Respondent's continued control over maintenance and funds despite the project's completion and issuance of Completion Certificate dated 18.09.2024 is contrary to the spirit and mandate of the RERA Act.
- xi. That the Complainant has, to the best of its ability, complied with the directions of the District Registrar, including shifting its registered office to the Community Centre. The Complainant RWA has also submitted a compliance report before the Registrar's office, the same being attached as Annexure-1 (Pages 8-12).



- xii. That the Respondent cannot create an impediment and thereafter rely upon the same impediment as a ground for denying the Complainant's legitimate rights. Addition of members to the RWA is an ongoing process and the number of registered members is continuously increasing. Presently, the RWA has a total of 65 members instead of 7/28/33 members, as alleged by the Respondent.
- xiii. That the RERA Act is a beneficial legislation enacted with the object of protecting the interests of allottees and promoting transparency in the real estate sector. This Hon'ble Authority, being a specialized forum, ought to adopt a purposive interpretation so as to ensure that allottees are not left remediless.
- xiv. The Complainant has further alleged that the following contraventions have been committed by the Respondent-promoter:
- i. Non-compliance with UHBVN SDO directions: That the UHBVN Model Town SDO office had issued multiple directions to the Respondent to comply with HERC/Nigam regulations and instructions vide Memo Nos. 4369 dated 08.11.2024, 4616 dated 23.12.2024, 4556 dated 12.12.2024, 5289 dated 01.04.2025, and 5434 dated 22.04.2025, annexed as Annexure-2. However, none of the said directions have been complied with by the Respondent.



- ii. Non-compliance with UHBVN CGRF Order dated 13.01.2025: That the Respondent-builder has failed to comply with the CGRF Order dated 13.01.2025 despite clear directions issued therein.
- iii. Non-compliance with DTP Office directions: That the Respondent-builder has failed to comply with the directions issued by the DTP Office vide order dated 16.02.2026 with respect to compliance of the Affordable Housing Policy, 2013. The same is annexed as Annexure-3 (Pages 18–22).
- iv. Non-compliance with the provisions of the RERA Act.
- v. Non-formation of Association and non-handover: That under Sections 11(4)(e), 11(4)(f), and 17 of the Act, the Respondent is obligated to facilitate formation of the Association and hand over the common areas, documents, etc. to such Association. However, the Respondent has failed to comply with the said statutory obligations.
- vi. Front boundary wall and additional construction: That under Section 14 of the Act, the Respondent is obligated to construct the project strictly in accordance with the sanctioned plans/layout plan. However, the Respondent has failed to construct the front boundary wall of the complex despite obtaining the Completion Certificate from the TCP Department. Further, the Respondent has allegedly constructed additional shops in Commercial-1 of the complex. In response to the query raised by this Hon'ble Authority regarding the boundary wall, reference



photographs of the zoomed layout plan have been annexed as Annexure-4 (Pages 23-24).

- xv. Further, with regard to the Respondent's contention that the documents are available on the HRERA website, the same are stated to be blurred and unreadable.
- xvi. Additionally, a resident of the complex filed an RTI application before the Registrar's office seeking information as to whether any objection existed with regard to handover of the complex from the builder to the Supermax RWA. In response thereto, it has been stated that no objections have been raised by the office in this regard and no complaint is pending against the Complainant RWA. A copy of the RTI application is annexed as Annexure-5.
- xvii. Therefore, it has been prayed by the Complainant Association that the preliminary objections filed by the Respondent be dismissed.

F. ARGUMENTS OF LEARNED COUNSEL FOR COMPLAINANT AND RESPONDENT

Both the complainant and the respondent counsels reiterated their arguments and submissions already advanced in their respective pleadings and supporting documents.



G. ISSUES FOR ADJUDICATION AND OBSERVATIONS OF THE AUTHORITY ON THE RELIEF SOUGHT BY THE COMPLAINANTS.

31. The present complaint has been filed by Supermax Resident Welfare Association, a society registered under the Haryana Registration and Regulation of Societies Act, 2012, seeking, inter alia, directions for disclosure of approved layout plans, construction of the front boundary wall in accordance with the sanctioned layout plan, furnishing details of amounts collected under the Interest-Free Maintenance Security (IFMS), electricity and other maintenance-related charges, handover of maintenance, common areas and essential services of the project "Supermax The New Town", Sector-33, Sonipat, to the complainant association. The complainant has also raised various grievances relating to alleged deficiencies in services and amenities, unauthorized deviations from sanctioned plans, and failure of the respondent to discharge obligations asserted to arise under the provisions of the Act.
32. The real estate project in question is an affordable group housing colony developed over an area of approximately 5 acres in Sector-33, Sonipat, Haryana. It is not in dispute that the respondent has obtained Occupation Certificates in respect of the project dated 26.10.2021, 19.01.2023 and 28.12.2023. It has further been confirmed in the reply that a Completion Certificate was also granted by the Department of Town and Country



Planning, Haryana, vide Memo No. LC-3231-JE(MK)/2024/29484 on 18.09.2024.

33. The primary relief sought by the complainant pertains to handover of maintenance, common areas and essential services of the project to the complainant association, along with transfer and disclosure of amounts collected under the Interest-Free Maintenance Security (IFMS), electricity charges, advance maintenance charges and other related deposits. In addition thereto, the complainant has sought redressal in respect of various alleged deficiencies and violations in the project.
34. In its reply filed on 10.11.2025, the respondent contested the maintainability of the complaint primarily on the ground that the complainant association lacks locus standi and representative authority to maintain the present proceedings. It was contended that the complainant does not represent the majority of allottees as contemplated under Section 11(4)(e) of the Act and, therefore, is not entitled to seek collective reliefs including handover of maintenance and common areas. The respondent further questioned the democratic legitimacy and legal status of the complainant association, relying upon proceedings before the District Registrar of Societies, Sonapat, including order dated 16.09.2025 and pending proceedings under Section 59 of the Haryana Registration and Regulation of Societies Act, 2012. On merits, the



respondent denied allegations of unauthorized construction and service deficiencies, asserting that the project has been developed in accordance with sanctioned plans and statutory approvals, and further stated that any alleged defects, if found upon verification, would be addressed in accordance with law.

35. Having considered the submissions of both parties, documents on record and applicable legal provisions, Authority proceeds to examine the matter as follows:

36.Regarding Maintainability of the Complaint and Status of the Complainant Association: As regards the objection relating to maintainability of the complaint and the status of the complainant association, the respondents have contended that the complainant does not represent the majority of allottees and, therefore, cannot be treated as a legitimate association of allottees under law. It has further been urged that proceedings under Section 59 of the Haryana Registration and Regulation of Societies Act, 2012 have been initiated before the District Registrar of Societies, Sonipat, seeking cancellation of the registration of the complainant association on allegations that membership has been arbitrarily restricted, apartment owners have not been admitted despite directions, and the functioning of the association is exclusionary and inconsistent with democratic principles.



37. This Authority observes that Section 11(4)(e) of the Real Estate (Regulation and Development) Act, 2016 casts a statutory obligation upon the promoter to enable the formation of an association or society of allottees. The said provision is reproduced below-

“(e) enable the formation of an association or society or co-operative society, as the case may be, of the allottees, or a federation of the same, under the laws applicable:

Provided that in the absence of local laws, the association of allottees, by whatever name called, shall be formed within a period of three months of the majority of allottees having booked their plot or apartment or building, as the case may be, in the project;”

A plain reading of the above provision reveals that the Promoter has been cast a duty to enable the formation of an association of allottees within a period of three months and the representative association must represent majority of the allottees. Thus, the minimum prescribed number can easily be deduced as 51%. Therefore, the concerns raised regarding the representative character and democratic functioning of the complainant association are statutory and cannot be overlooked. Similar concerns stand noticed in the order dated 16.09.2025 passed by the District Registrar, Sonapat. Such circumstances do require this Authority to examine whether the association presently reflects the collective will and welfare of the allottees at large.

38. It is noted that the complainant association has placed on record a Certificate of Registration dated 24.07.2024 issued under the Haryana



Registration and Regulation of Societies Act, 2012 (Annexure-1 filed with submissions dated 03.11.2025), along with a handwritten resolution dated 25.04.2025 annexed at page 28 of the complaint. However, perusal of the said resolution reveals signatures of only six members of the governing body, and significantly, no list of allottees has been placed on record by the complainant despite objections raised by the respondent.

39. Further, reliance is placed on the order dated 16.09.2025 passed by the District Registrar, Firms and Societies, Sonipat (Annexure R-3), whereby the governing body of the complainant association was directed to undertake a membership drive and submit a compliance report along with membership details of at least 50% of the flat owners, while observing that the same be treated as a last and final opportunity for the governing body to function in a democratic manner for the welfare of the society.

40. Note is also taken of the written submissions dated 10.11.2025 filed by the respondent, wherein the respondent has undertaken that, upon the RWA attaining requisite membership and demonstrating democratic legitimacy, it shall complete handover of maintenance, including all collected and future maintenance charges and common area management, to the RWA within 30 days of a formal request, subject to proper documentation and verification of authority. The said stand reflects a bona fide intent on the part of the respondent and is consistent with the statute

inasmuch as handover is contemplated to an “association of allottees” representing the collective body of allottees.

41. In view of the aforesaid, it is also pertinent to note that the Registrar of Societies has not found it to be an unauthorised association. However, this fact is incontrovertible that the Complainant does not represent the majority and does not fulfil the mandate of section 11(4)(e). In fact, it only represents a miniscule minority presently. Therefore, it cannot be said to represent community of interest at all. Therefore, The Authority opines that *relief in the nature of handover of maintenance and common areas cannot be directed in favour of the complainant association unless its representative character and democratic functioning stand adequately established. Considering that the project comprises of more than 700 allottees, any such direction for transfer of maintenance rights in favour of an association whose representative status remains under question may prejudice the participatory rights of other allottees and would be against the letter and spirit of the statute as discussed above.*

42. **Regarding Deficiencies and Other Reliefs Sought:** The complainant has sought relief for various service deficiencies which are being dealt with below:

- i. *To direct respondent for giving all approved layout plans to the residents for transparency and share all necessary information related to the project under section 19(1), (5) of the act:*



In respect of the aforesaid relief, ld. counsel for the respondent submitted during the course of arguments that the approved layout plans and project-related documents sought by the complainant are already available with the respondent company at their office which can be inspected by the allottees and are also part of the documents available in public domain on the website of this Authority, having been submitted at the time of project registration. It is therefore observed that no substantive adjudication survives on this issue, as the information sought is accessible to the allottees through existing statutory disclosures.

- ii. *To direct responsible/Local officer to inspect the full project site named "Supermax The New Town" and impose penalty/fine on respondent if unauthorized or unlawful construction found.*
- iii. *To pass an interim order to initiate an inquiry under section 35 of the ACT on working of the respondent for given deficiencies and differences between layout plan and constructed building/site.*
- iv. *To direct the respondent to stop the construction work on the site as he obtained the Completion Certificate from the Department. As per Act "Completion Certificate" means real estate project has been developed according to the sanctioned plan, layout plan and specifications and pass an interim order to stop construction work under section 36 of the RERA Act 2016.*
- v. *To direct respondent to construct the front boundary wall as per layout plan and rectify all given deficiencies or any other deficiency which will find during inspection of local officer in the project.*



The aforesaid reliefs being interconnected and arising out of the common allegation of deviations from sanctioned plans and continuing construction activities are being considered together.

The complainant has placed reliance upon the approved layout plans and has alleged deviations particularly with respect to unauthorized construction and deficiencies at the project site. At the same time, it is an admitted position that Occupation Certificates dated 26.10.2021, 19.01.2023 and 28.12.2023 have been issued in respect of the project, and a Completion Certificate has also been granted on 18.09.2024 vide Memo No. LC-3231-JE(MK)/2024/29484 by the competent authority, which clearly certifies compliance with sanctioned plans and specifications.

Insofar as the complainant seeks determination of alleged deviations from sanctioned layout plans, unlawful construction, or deficiencies in service estimates and technical approvals, such matters primarily require technical examination by the competent planning authority under the Department of Town and Country Planning, Haryana. That is the appropriate forum to adjudicate on this issue.

- vi. *To impose penalty upon the respondent as per the provisions of section 61 of RERA Act for contravention of section 14.-*



The complainant has sought imposition of penalty upon the respondent under Section 61 of the Real Estate (Regulation and Development) Act, 2016. In this regard, it is observed that a complaint under Section 31 of the Act is maintainable for enforcement of rights and seeking reliefs which accrue to an aggrieved person on account of violation of provisions of the Act, rules or regulations. The Act contemplates grant of remedies such as refund, interest, compensation or directions for compliance, which ensure relief to the allottee.

A penalty imposed on the respondent cannot be considered as a "relief" for an aggrieved person, i.e., the complainant. "Penalty" is imposed on the wrongdoer, meant to deter future actions, while "relief" aims to provide compensation or remedy to the person who suffered harm. Further, imposition of penalty under Section 61 is a regulatory consequence of contravention and constitutes a power vested in the Authority to be exercised upon satisfaction of such contravention. The Act does not envisage that an allottee may seek as a substantive relief, the exercise of penal powers by the Authority. Accordingly, the present relief cannot be granted.

- vii. ***Direct the respondent to provide the details of amount deposited by the allottees under IFMS, electricity charges, advance maintenance charges and other charges paid by allottees, to the Supermax Resident Welfare Association.***



viii. *To direct respondent to provide maintenance/GST and other charges receipts to residents.*

In respect of the aforesaid relief, this Authority observes that allottees are entitled to transparency with respect to amounts collected from them under various heads, including Interest-Free Maintenance Security (IFMS), electricity charges, advance maintenance charges, maintenance and other allied charges.

Further, reliance is placed on Section 19(1) of the Real Estate (Regulation and Development) Act, 2016 which confers upon an allottee the right to obtain information relating to sanctioned plans, layout plans along with specifications, approved by the competent authority and such other information as provided in this Act or the rules and regulations made thereunder,” and Section 19(5) entitles an allottee to have the necessary documents and plans, including that of common areas, after handing over the physical possession of the apartment.

In view of the aforesaid statutory mandate, the respondent is directed to have all the information as mandated by the statute to be made available in its office for inspection should any allottee so desire.

ix. *Direct the respondent to handover complete charge of maintenance, all amount collected under the head of maintenance, any other charges, common areas and essential services to RWA.*



With respect to the prayer relating to handover of maintenance, common areas and essential services to the complainant association is concerned, the same has already been addressed hereinabove in para 31 of the order.

- x. *To direct respondent to deposit all amount earned by the extra constructed shops in commercial part 1 in the account of Supermax RWA.-*

The complainant seeks a direction that the amounts allegedly earned by the respondent from the purported extra constructed shops be deposited into the account of the complainant association, this Authority finds that such relief is beyond the scope of jurisdiction exercisable in the present proceedings under the Real Estate (Regulation and Development) Act, 2016. The Act does not contemplate grant of such relief. Accordingly, the said relief cannot be granted.

- xi. *To handover all original files and other documents related to the Supermax The New Town Project to the Supermax Resident Welfare Association-*

The complainant has sought a direction for handover of all original files and project documents to the complainant association, the same cannot be granted. It is observed that under Section 11(4)(e) of the Real Estate (Regulation and Development) Act, 2016, the promoter is

required to enable formation of an association of allottees, and Section 17 of the Act contemplates transfer of relevant documents and obligations in the course of statutory handover to such association. The said provisions do not envisage a blanket direction for handing over all original project files to a complainant association independent of such statutory framework. Further, no direction for handover of maintenance to the complainant association is being issued in the present proceedings. Accordingly, the relief as prayed for being beyond the scope of directions warranted in the present case is declined.

In view of the aforesaid observation, the case is disposed of. File be consigned to the record room after uploading of this order on the website of the Authority.


.....
CHANDER SHEKHAR
[MEMBER]


.....
DR. GEETA RATHEE SINGH
[MEMBER]


.....
PARNEET S SACHDEV
[CHAIRMAN]