



Complaint No. 2751 & 926 of 2019.

HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

1. COMPLAINT NO. 2751 OF 2019

Jacinthia Pinto & Anr.

...COMPLAINANT

VERSUS

Dhingra Jardine Infrastructure Pvt. Ltd.

....RESPONDENT

2. COMPLAINT NO. 926 OF 2019

Rinku Kumari

....COMPLAINANT

VERSUS

Dhingra Jardine Infrastructure Pvt. Ltd.

....RESPONDENTS

& BVM Projects Pvt. Ltd.

CORAM: Rajan Gupta

Chairman

Anil Kumar Panwar

Member

Date of Hearing: 25.02.2020

Hearing: : 2nd in COMPLAINT NO. 2751 OF 2019

5th in COMPLAINT NO. 926 OF 2019

Present: - Mr. Rajan Kumar Hans , Counsel for the Complainants.

(in Complaint NO. 2751 OF 2019)

Mr. Inder Pal for the Complainant.

(in Complaint NO. 926 OF 2019)

Mr. Vivek Sethi, Counsel for the respondent & Sh. Sanjeev Dhingra, shareholder of M/s Dhingra Jardine Infrastructure Pvt. Ltd.

ORDER (RAJAN GUPTA-CHAIRMAN)

1. The captioned complaints involve similar issues and pertains to the commercial part of the project of the respondent, therefore these complaints are being taken up together and a common order is being passed. Facts of the lead case in Complaint No. 2751 of 2019 Jacinthia Pinto & Anr. vs. Dhingra Jardine Infrastructure Pvt. Ltd. are being taken into consideration.

2. The complainants had booked a Shop No. -01, measuring 400 sq. ft., in the project "California Country" of the respondent in Sector-80, Faridabad. Complainants were to pay under Possession Linked Payment Plan. They paid Rs. 1,00,000/- as booking amount on 29.01.2014. Total sale consideration was Rs. 40,00,000/-. Respondent had promised at the time of booking that the shop will be handover within 36 months from booking.



Thereafter, they kept paying installments towards the cost of the shop as per demands raised by the respondent, and have paid Rs. 20,74,160/- till date which amounts to 50 percent of the total sale consideration.

Respondent has neither issued any allotment letter nor executed any agreement with them till date despite their requests to execute the same sent vide their email dated 03.11.2019. The complainants are aggrieved due to non-delivery of the shop, therefore, they have filed this complaint, seeking possession along with compensation for delay in delivery of possession.

3. After hearing the complainants, the Authority is of the view that after demise of Sh. Virender Dhingra, director of respondent company, the project is in doldrums. Various Associations have been formed by allottees of different towers of the project seeking handover of the construction of the project to the allottees. The Authority in order to protect interest of the allottees is exploring the possibility of getting the project completed through the Associations of Allottees.

Since the complainants herein are interested in taking possession of their shops, the allottees of this commercial part of the project may also come together to form an association for completion of their part of the project themselves, because in the present circumstances completion of the same by the respondents seems difficult. Should the allottees of this commercial part of the project decide to form an association, they will also have to comply with

the directions given by this Authority similar to the directions given to the other Associations. The complainants/ allottees may however propose any other alternative course of action.

Respondent is directed to file his reply with an advance copy to the complainant before the next date of hearing. Adjourned to 25.03.2020.



RAJAN GUPTA
[CHAIRMAN]

ANIL KUMAR PANWAR
[MEMBER]