BEFORE THE HARYANA REAL ESTATE REGULATORY AUTHORITY, GURUGRAM

Complaint no.	**:**	**6582 of 2025**
Date of filing :		**09.01.2026**
Date of decision:		**08.09.2026**

Joy Lavie Apartment Owners Association Through President
R/o: - G-008, Tower-3(Pinnacle) Joyville, Sector-102, Gurugram. **Complainant**

Versus

JoyVille Shapoorji Housing Pvt. Ltd.
Regd. Office at: SP Centre 41/44, Manoo Desai Marg, Colaba, Mumbai-44.

Respondent

CORAM:
Arun Kumar **Chairman**

APPEARANCE:
Sh. Navdeep Singh (Advocate) **Complainant**
Sh. Harshit Batra (Advocate) **Respondent**

ORDER

1. The present complaint dated **09.01.2026** has been filed by the complainant/allottee under section 31 of the Real Estate (Regulation and Development) Act, 2016 (in short, the Act) read with rule 28 of the Haryana Real Estate (Regulation and Development) Rules, 2017 (in short, the Rules) for violation of section 11(4)(a) of the Act wherein it is *inter alia* prescribed that the promoter shall be responsible for all obligations, responsibilities and

functions under the provisions of the Act or the Rules and regulations made thereunder or to the allottee as per the agreement for sale executed *inter se.*

A. Facts of the complaint

2. The complainant-association has made the following submissions: -

I. The project received its first phase occupation certificate in 2019 and subsequently for all phase. Almost more than 800 of the 1500 plus flats are occupied. Under Section 17(1) of RERA, read with HARERA Circular No. 2018/AD(A)/16361dated 06.12.2018, the promoter was mandatorily required to hand over the maintenance, accounts, IFMS, common area documents, and all project-related records to an association of allottees within 90 days of the OC.

II. That Prior to AOA formation, the promoter collected 10,000 from every resident, representing that the amount and signatures were required to form the association of allottees and file the statutory documents for registration. All residents were made to sign the prescribed forms supplied by the promoter. Despite collecting the money and signatures, the promoter took no steps to form the AOA, thereby violating Section 11(4)(e) RERA which obligates the promoter to facilitate AOA formation without interference.

III. That on 14 September 2025, the complainant association-Joy Lavie Apartment Owners Association—was duly registered under the Haryana Registration & Regulation of Societies Act, 2012, bearing Registration No. 06-018-2025-02547.

IV. That despite being notified of this registration, the promoter and its facility management agency CBRE South Asia Pvt. Ltd. refused to recognize the

legally registered AOA and continued to illegally retain control over maintenance, accounts, and common areas. They refused to hand over IFMS, O&M manuals, common area drawings, service contracts, access credentials, escrow accounts, and other mandatory documents as required under Sections 11(4)(g) & 17 RERA.

V. That rather than facilitating takeover by the registered AOA, the promoter and its FM agency convened an unauthorized meeting to "select representatives" for forming a builder-sponsored •Proposed AOA'. Residents were pressured to attend, misled into believing formation was being initiated "fresh", and the builder attempted to create a parallel association contrary to the law. This is a direct and willful violation of Section 11(4)(e) RERA and the HARERA Circular dated 06.12.2018, which prohibit promoter interference in AOA formation.

VI. That the FM staff, acting under the promoter's direction, created a hostile and intimidating environment, resorting to divide-and-rule tactics, misinformation, and coercive messaging to undermine the registered AOA and confuse residents. The builder's conduct has fractured resident harmony, obstructed takeover, and caused severe administrative prejudice. A police complaint related to an incident on 18th September is enclosed.

VII. That the promoter's refusal to hand over control, despite OC in 2019 and AOA registration in 2025, constitutes a continuous, ongoing violation of statutory obligations under RERA, HRS Act 2012, and the binding HARERA Circular of 06.12.2018. Residents continue to suffer financial loss, lack of

transparency, denial of statutory records, and illegal management by the builder.

VIII. The above facts establish that the promoter is unlawfully withholding handover, illegally maintaining the project, misappropriating IFMS, operating a parallel governance structure, and interfering in the statutory rights of the AOA, necessitating immediate directions from this Hon'ble Authority/Court.

B. Relief sought by the complainant:

3. The complainant has sought following relief(s):

I. Direct the respondent to immediately handover the complete maintenance, control and management of all common areas and common facilities of the project to the complainant association of allottees, including but not limited to security, housekeeping, landscaping, clubs, basements, electrical rooms, STP/WTP, fire rooms, service rooms, service personal rooms, internal roads.

II. Direct the respondent to hand over the entire IFMS collected from allottees along with accrued interest, by transferring the full corpus to the AOA's designated bank account.

III. Direct the promoter to handover all statutory documents, records and martials including: as built drawings, structural an electrical layouts, fire NOC records, environmental compliance records, O&M manuals, AMC contracts, warranties, service vendor contracts, common-area meter and billing data, insurance policies, Escrow statements, and all project-related documents required under Sections 11 and 17 of the Real Estate (Regulation and Development) Act, 2016.

IV. Direct the promoter to transfer all project-related accounts including common area bank accounts, maintenance accounts, Escrow accounts, resident deposits, and vendor security deposits to the complainant AOA.

V. Direct refund of the ₹10,000 collected from every resident under the pretext of "AOA formation charges/Administration charges", along with interest, since the promoter failed to carry out the stated purpose and withheld AOA formation.

VI. Direct the promoter to execute the Conveyance Deed / Deed of Declaration transferring title, rights and interest in all common areas, facilities, appurtenant land and shared infrastructure to the complainant AOA within a time-bound schedule, in compliance with Section 17 of RERA.

VII. Direct the promoter to hand over physical possession and legal control of all areas designated as "common areas" in approved plans, including club, parks, green belts, basements, internal roads, boundary wall, electrical installations, DG systems, fire systems, STP/WTP, guard rooms, and all service rooms.

VIII. Direct the promoter to complete all pending civil, MEP, fire, electrical, environmental and amenity-related works, including structural rectification, basement waterproofing, fire-safety compliance, STP/WTP functionality, landscape development, CCTV coverage, lighting, and other infrastructure deficiencies.

IX. Direct an independent audit / forensic audit of all maintenance and IFMS accounts, including amounts collected, amounts spent, vendor payments, and utilization of resident funds.

X. Direct refund/adjustment of all CAM charges illegally collected by the promoter/FM after expiry of the statutory handover period.

4. On the date of hearing, the authority explained to the respondent /promoter about the contraventions as alleged to have been committed in relation to section 11(4) (a) of the Act to plead guilty or not to plead guilty.

C. Reply by the respondent.

5. The respondent has contested the complaint on the following grounds: -

i. That the present complaint is purportedly filed by "Joy Lavie Apartment Owners Association" allegedly registered under the Haryana Registration and Regulation of Societies Act, 2012, bearing Registration No. 06-018-2025-02547. At the outset, it is respectfully submitted that no registration certificate has been annexed with the complaint to substantiate that the Complainant is duly registered under the said Act. Furthermore, the complaint has been filed through its alleged President, Mrs. Jayshri Kannan; however, no authority letter or resolution has been placed on record authorizing her to institute the present complaint on behalf of the alleged Apartment Owners Association.

ii. That the respondent had developed a Group Housing Colony known under the name and style of "Joyville Gurugram" at Sector 102, Gurugram and had duly undergone the construction of the said group housing colony in six phases as per the approved permissions from the competent authority and hence, had successfully attained the Occupation Certificates for all phases and completion certificate for the colony on 03.12.2025.

iii. That upon completion of the project, several allottees approached the respondent requesting the handover of maintenance to the allottees. It is submitted that the responsibility for the formation and registration of the Residents Welfare Association lies with the Promoter under the provisions of the applicable law, including Section 11(4)(e) of the Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as "RERA").

iv. In order to ensure transparency among the residents/allottees, the respondent, vide letter dated 25.06.2025, informed the allottees that, in terms of the applicable laws, the participation of all allottees is essential for the formation of the RWA and requested maximum participation. Subsequently, a meeting of allottees was held on 26.07.2025 at the project site. In the said meeting, in the presence of the participating allottees, it was unanimously agreed that the promoter shall facilitate the formation of an association/society under the provisions of law. On the same date, nominations were also received from willing allottees to participate in the registration process. Thereafter, the respondent circulated a letter dated 10.09.2025 convening a general meeting with the agenda of passing a resolution for the formation of a Residents Welfare Association in accordance with applicable laws. It is pertinent to mention that the majority of the allottees (from each tower) present at the meeting expressed their consent and raised no objection to the formation of the society as facilitated by the promoter.

v. That notwithstanding the transparent and inclusive process initiated by the respondent, a small group of allottees, led by Prof. Krishnamurthy Kannan vide email dated 07.07.2025, sought a No Objection Certificate from the promoter. That vide email dated 16.07.2025, the said request was declined on the ground that the group was attempting to bypass the statutory process and register an unauthorized and legally untenable RWA.

vi. That to the shock and surprise of the Respondent it came to their knowledge that the District Registrar, Gurugram, Haryana, had issued a Certificate of Registration bearing No. HR-018-2025-02547 in the name of "Joy Lavie Apartment Owners Association" on 14.09.2025. Thereafter, vide email dated 17.09.2025, Mrs. Jayshri Kannan informed the Respondent regarding the registration of the said association. The Respondent responded vide email dated 18.09.2025, clearly stating that the formation of any Association of Allottees is the statutory responsibility of the Promoter, and any independent formation without its facilitation is legally invalid. Further, the said association issued a email dated 17.09.2025 seeking acknowledgment of its status, which was duly replied to by the Promoter on 27.05.2025.

vii. That an Election Notice dated 25.01.2026 was issued for conducting elections for the term 2026 2029, proposing polling on 15.02.2026 for the purported election of five members to the Board of Managers. The said election process, as initiated by the complainant, is wholly illegal,

non-transparent, and in complete violation of the provisions of the HRRS Act.

viii. That thereafter, the respondent applied before the District Registrar for the registration of a Residents Welfare Association, and pursuant thereto, the name of the RWA "Joyville Gurugram AOA" was approved on 03.03.2026 and subsequently the said RWA has been duly formed and registered with the District Registrar, Gurugram, bearing Registration Certificate No. HR-2435 of 2026.

ix. That the present complaint has been filed by the complainant, claiming to be an Association of Allottees of the project in question and seeking handover of the project along with books of accounts and other documents of the project; however, the said association is a sham association of handful number of individuals, formed in a manner directly contrary to the Deed of Declaration filed by the Respondent-Developer, as well as the applicable law in force. Any action undertaken through such an illegally constituted body is void ab initio and is liable to cause grave and irreparable prejudice to the Respondent as well as to the majority of residents of the project.

x. That the complainant has further attempted to mislead this Ld. Authority and hence, the present complaint should be dismissed.

xi. That the complainant has failed to show any list of members of the association, and that of the General Body of the alleged AOA. The Complainant has failed to prove whether the said association has been formed of a majority of members-residents of the project. Further, no

"Memorandum of Association" and "Bye Laws" have been annexed by the Complainant in the complaint.

xii. That the complainant has failed to appoint any duly authorized and independent Returning Officer, and no such appointment has been disclosed. Instead, the entire election process appears to be controlled by a self-appointed and unauthorized "Election Committee," thereby vitiating the fairness and legality of the process. Under the statutory scheme, elections cannot be conducted unless the electoral roll and membership register are prepared strictly in accordance with law, duly circulated among members, objections invited, and a final list published after following due process. No such procedure has been adhered to in the present case. Furthermore, the Complainant has willingly and voluntarily committed fraud in creation of the said association. It is submitted that on 12.02.2026, a resident, namely Mr. Ashok Sharma, filed a petition under Section 39(4) before the Office of the District Registrar, challenging the illegal, arbitrary, and unlawful election process initiated by the Complainant. Pursuant to the said petition, the District Registrar, vide Memo No. DR/DIC/GGM/3817-3818 dated 12.02.2026, was pleased to keep the election process in abeyance pending final adjudication. It is further submitted that the binding Deed of Declaration filed by the Respondent governs the constitution and functioning of the Apartment Owners Association. That the Complainant has not adopted or used the declared name of the Project, as mandated under Section 13(2) of the Haryana Apartment Ownership Act, 1983, which requires the name of

the project/building, as specified in the Deed of Declaration. The declared name carries binding legal effect upon all allottees as well as third parties dealing with the project. Further, the statutory requirement of filing and adhering to the bye-laws along with the Deed of Declaration has also been overlooked.

xiii. That in the Paragraph 4 of the Deed of Declaration it has been categorically noted that condominium shall be known as "Joyville Gurugram". In such circumstances, any association operating under a name distinct from the declared name in the Deed of Declaration cannot legally qualify as a valid Association of Apartment Owners under the Haryana Apartment Ownership Act, 1983. The discrepancy in nomenclature clearly establishes that the said existing society has been formed independently and not in accordance with the Deed of Declaration (DOD-6) governing the Project.

xiv. That on the basis of the above-made submissions the complaint should be dismissed at the very outset, without any further consideration.

xv. That the complainant is not the elected body/association of buyers and with the election process in abeyance, the Complainant has no locus to file the present complaint.

xvi. That the present matter falls within domain of registrar- complaint not maintainable before this Ld. Authority – no power to adjudicate under the RERA Act.

xvii. Individual issues cannot be dealt with by the Association of Allottees – There is no provision under the RERA Act that allows such adjudication

of alleged collective interests (without prejudice). The Complainant has sought relief of refund of admin charges, and CAM charges collected from the allottees; restraining from issuance of individual maintenance bills and collecting charges as per the bi-lateral Apartment Buyer Agreement executed between allottees and the Respondent null, void and enforceable, which are of an individual nature and cannot be collectively dealt with, through an association. That neither can such alleged issues be substantiated individually, nor can the same be defended individually.

xviii. That the complainant has raised various issues and sought relief for declaration that the complainant-association is valid and legally recognized AOA for the project; declaration that maintenance bills issued after OC+90 days are illegal; declaration that the maintenance agreement executed null, void, unenforceable ab initio; issues direction to registrar, permit AOA to immediately appoint its own facility management agency for the project. It is submitted that these issues and relief sought are outside the jurisdiction of the Ld. Authority. It is respectfully submitted that the Act does not confer upon the Authority the power to supervise, monitor, or administer the process of handover of maintenance or management of the project to the association. The statutory mandate of the Authority is limited to regulation of the real estate sector, ensuring compliance with obligations of the promoter during development and sale of the project, and adjudication of disputes arising from violations of the provisions of the Act.

6. All other averments made in the complaint were denied in toto.

7. Copies of all the relevant documents have been filed and placed on the record. Their authenticity is not in dispute. Hence, the complaint can be decided on the basis of these undisputed documents and submission made by the parties.

D. Jurisdiction of the authority.

8. The authority observes that it has territorial as well as subject matter jurisdiction to adjudicate the present complaint for the reasons given below.

D. I Territorial jurisdiction

9. As per notification no. 1/92/2017-1TCP dated 14.12.2017 issued by Town and Country Planning Department, the jurisdiction of Real Estate Regulatory Authority, Gurugram shall be entire Gurugram District for all purpose with offices situated in Gurugram. In the present case, the project in question is situated within the planning area of Gurugram District, therefore this authority has complete territorial jurisdiction to deal with the present complaint.

D. II Subject matter jurisdiction

10. Section 11(4)(a) of the Act, 2016 provides that the promoter shall be responsible to the allottee as per agreement for sale. Section 11(4)(a) is reproduced as hereunder:

> ***Section 11***
> .....
> *(4) The promoter shall-*
>
> *(a) be responsible for all obligations, responsibilities and functions under the provisions of this Act or the rules and regulations made thereunder or to the allottees as per the agreement for sale, or to the association of allottees, as the case may be, till the conveyance of all the apartments, plots or buildings, as the case may be, to the allottees, or the common areas to the association of allottees or the competent authority, as the case may be;*
>
> ***Section 34-Functions of the Authority:***

34(f) of the Act provides to ensure compliance of the obligations cast upon the promoters, the allottees and the real estate agents under this Act and the rules and regulations made thereunder.

11. So, in view of the provisions of the Act quoted above, the authority has complete jurisdiction to decide the complaint regarding non-compliance of obligations by the promoter leaving aside compensation which is to be decided by the adjudicating officer if pursued by the complainants at a later stage.

E. Maintainability of complaint.

12. The complainant association, Joy Lavie Apartment Owners Association, was duly registered under the Haryana Registration and Regulation of Societies Act, 2012, bearing Registration No. 06-018-2025-02547. Despite such registration, the Promoter and its facility management agency, CBRE South Asia Pvt. Ltd., allegedly failed to recognize the Association and continued to retain control over maintenance, accounts and common areas, while withholding IFMS, O&M manuals, common-area drawings, service contracts, access credentials, escrow/account records and other statutory documents required to be handed over under RERA. It is further alleged that, instead of facilitating the lawful handover, the Promoter attempted to create a parallel, builder-sponsored "Proposed AOA" by convening an unauthorized meeting and influencing residents, thereby interfering with the statutory rights of the registered Association of Allottees in violation of Section 11(4)(e) RERA and the HARERA Circular dated 06.12.2018. The Association further alleges that the Promoter and its facility management agency adopted coercive and divisive measures to undermine the registered Association, obstruct the handover process and continue their control over the project.

13. On the contrary the respondent states that the present complaint is not maintainable as the Complainant, Joy Lavie Apartment Owners Association, has failed to establish its lawful constitution and authority to institute the proceedings, having not placed on record its registration certificate, authorization/resolution in favour of its alleged President, membership list, Memorandum of Association or Bye-Laws. It is contended that the Respondent had duly completed the Joyville Gurugram project and, at the request of allottees, initiated a transparent process for formation of the Association/RWA by convening meetings and inviting participation of allottees in accordance with applicable law. The respondent alleges that a small group of residents independently obtained registration of Joy Lavie Apartment Owners Association without the Respondent's facilitation and thereafter initiated an election process which, according to the Respondent, was illegal and non-transparent; the said election was subsequently kept in abeyance by the District Registrar pursuant to a challenge under Section 39(4) of the HRRS Act. The respondent further states that it subsequently obtained registration of "Joyville Gurugram AOA" bearing Registration Certificate No. HR-2435 of 2026 and contends that the latter is the duly constituted association in accordance with the Deed of Declaration and applicable law. It is further argued that the complainant's name and constitution are inconsistent with the Deed of Declaration, which declares the condominium as "Joyville Gurugram", and that the Complainant has not demonstrated that it represents the majority of allottees or residents. The Respondent also relies upon the show-cause notice issued by the State Registrar of Societies and contends that the disputes

concerning registration, constitution and elections fall within the jurisdiction of the Registrar and not the RERA Authority. Accordingly, it is submitted that the complainant lacks locus to maintain the present proceedings. Without prejudice, the respondent further contends that the reliefs concerning refund of administrative/CAM charges, maintenance bills and enforcement or validity of individual Apartment Buyer Agreements are individual in nature and cannot be collectively adjudicated at the instance of the alleged Association of Allottees.

14. After considering the documents available on record as well as submissions made by the parties, the Authority is of the view that a dispute has arisen between two competing associations, namely, Joy Lavie Apartment Owners Association and Joyville Gurugram AOA, both of which claim to be the duly constituted Association of Allottees representing the residents/allottees of the project. The complainant claims its legitimacy on the basis of its registration under the Haryana Registration and Regulation of Societies Act, 2012, whereas the respondent disputes the validity and genuineness of the complainant association and asserts that Joyville Gurugram AOA is the duly constituted association in accordance with the applicable statutory provisions and the Deed of Declaration. The respondent has also referred to the proceedings initiated before the competent Registrar, including the challenge to the election process of the complainant association and the subsequent show-cause notice issued by the State Registrar of Societies. the question as to which of the two associations is legally constituted and competent to represent the allottees involves examination of several factual and legal aspects, including the validity

of registration, compliance with the statutory requirements, constitution and bye-laws of the respective associations, membership and representation of allottees, validity of the election process and conformity with the Deed of Declaration and applicable provisions of law. Such determination necessarily falls within the domain and jurisdiction of the competent Registrar under the Haryana Registration and Regulation of Societies Act, 2012, and cannot be undertaken by this Authority in the present proceedings. The Authority, while exercising its jurisdiction under the Real Estate (Regulation and Development) Act, 2016, cannot substitute itself for the statutory Registrar or adjudicate upon the inter se dispute concerning the registration, constitution and validity of the competing associations.

15. The Authority is also of the considered view that the mere registration of an association under the Haryana Registration and Regulation of Societies Act, 2012, by itself, does not conclusively resolve the controversy regarding its entitlement to represent allottees for the purposes of the RERA Act, particularly when such entitlement is specifically disputed and proceedings concerning its constitution and election are stated to be pending before the competent Authority. Equally, the subsequent registration of another association, as claimed by the respondent, cannot, in the absence of an appropriate determination by the competent forum, be treated by this Authority as conclusively establishing its exclusive right to represent the allottees. The respective claims of the parties, therefore, require examination by the competent Registrar in accordance with law.

16. Accordingly, the parties are at liberty to approach the competent Registrar of Societies for appropriate adjudication of the dispute concerning the validity, constitution, registration, membership and representative status of the competing associations. The present complaint, insofar as it seeks adjudication of the inter se dispute concerning the genuineness and representative status of the competing associations, is not maintainable before the Authority. Thus, in view of the factual as well as legal provisions, the present complaint stands dismissed being not maintainable.
17. Complaint stands disposed of.
18. File be consigned to registry.

(Arun Kumar)
Chairman

Haryana Real Estate Regulatory Authority, Gurugram
08.09.2026

HARERA
GURUGRAM