



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

1. COMPLAINT NO. 89 OF 2019

Piyush Heights Residents Tower J & K
Welfare Association

....COMPLAINANT(S)

VERSUS

Piyush Buildwell India Ltd.

....RESPONDENT(S)

CORAM: Rajan Gupta
Dilbag Singh Sihag

Chairman
Member

Date of Hearing: 11.08.2020

Hearing: 12th

Present: - Mr. M.C Jain, President of Piyush Heights Tower J&K Welfare Association.
Mr. Rahul Rathore, counsel for piyush Heights RWA.
Mr. Bijender Singh, President of Piyush Heights RWA.
Mr. Vikash Malik, SDO, DHBVN, Faridabad.

None for respondent.

ORDER (RAJAN GUPTA-CHAIRMAN)

1. In the 11th hearing dated 24.7.2020 a cognizance was taken of a letter dated 24th June,2020 received from the President of Tower J& K Welfare Association inter-alia conveying that they are facing problems from the RWA constituted by rest of the 14 towers of the project. It was conveyed that the said association is not allowing to connect electricity and water connection with rest

of the project. Accordingly, the Authority had issued directions to the SDO DHBVN to get the power for Tower J&K connected with rest of the building. It was also decided to issue a notice to the RWA of rest of the towers about the grievances of the association of tower J&K.

2. Today Shri Rahul Rathore, Counsel for the Piyush Heights RWA and Shri Bijender Singh, President of this RWA are present. Shri Rathore submitted an application to the Authority, a copy of which was handed over to the President of the complainant's association. Through the application as well as verbally, following submissions were made on behalf of the Piyush Heights RWA:

- (i) Regarding the allegation that the welfare association of tower J&K was being obstructed from carrying on the construction work, learned counsel stated that this has now been resolved and the workers of tower J&K are being allowed to carry on with their work.
- (ii) Regarding not allowing the power connection, learned counsel stated that a 5 KW connection has already been provided. Further, additional load cannot be permitted because their system is already facing shortage of power and the additional load of tower J&K will cause severe problems. He stated that total sanctioned load of the project is 12831 KVA against which the connected load is only 1900 KVA which is less than 15% of the sanctioned load.



Now if, additional load to further 144 apartments of Tower J & K is allowed to be connected, the problem of shortage of electricity will get aggravated. He suggested that the tower J&K may get additional load sanctioned for themselves.

(iii) Regarding connection with the sewerage treatment plant, the current capacity is 350KLD whereas the initially planned capacity of the project was 700 KLD. The existing capacity is insufficient even for the current residents and addition of 144 apartments will severely over loaded system. He suggested that the cost of additional capacity require should be borne by the association of tower J&K.

3. Shri M.C.Jain, President of Piyush Heightys tower J&K Welfare Association vehemently refuted the arguments put forward by Shri Rathore and Shri Bijender Singh. He stated as follows:

(i) First of all Piyush Heights RWA should be directed not to obstruct the workers of tower J&K because it is the legal right of the allottees of tower J&K to access their apartments for completing construction work in accordance with the directions of this Authority.

(ii) In regard to the electricity connection he produced a letter dated 07.01.2020 received from SDO Operation Sub Division DHBVNL, Faridabad stating that against 1900 KW sanctioned load

the peak load of the Piyush Heights RWA was only 958 KW. In other words the existing 14 towers are consuming less than 50% of currently connected load. Therefore, even within the existing connected load, towers J&K can be easily accommodated and it will not overload the system at all. Further, if the overall load increases further, the associations can apply for the additional load and the same can be sanctioned even though at present there appears to be no necessity for the same. SDO, DHBVN Shri Vikash Malik, who was present during the proceedings personally, also confirmed their position.

(iii) With regard to the STP, Shri M.C.Jain stated that if existing capacity can cater to 14 towers, surely it can cater to additional two towers, i.e.16 towers, as well. He reiterated that the towers J&K are integral parts of the project Piyush Heights. They cannot be treated in a discriminatory manner. The residents of tower J&K have also paid full amount of internal development works as have the residents of rest of the towers. They have equal right to the infrastructure laid for the project. If overall project faces any problem, the same must be handled jointly and tower J&K cannot be meted out in a separate discriminatory treatment. He requested for facilitating the connection of Towers J&K with the existing sewerage disposal system.


4. The Authority has gone through the submissions made by both the parties. It observes that the allottees of the tower J&K have already suffered much because of delayed delivery of possession of their apartments. The overall project Piyush Heights is comprised of 16 tower. All the allottees of the projects have contributed money for laying internal infrastructure of the project which includes services like roads, water supply system, sewerage disposal, storm water disposal, electricity supply etc. Just because tower J&K are being completed with delay, they cannot be treated as a separate project and cannot be given an adverse discriminatory treatment. They have legitimate legal rights over all the infrastructure of the project. Their rights cannot be separated from the rights of residents of rest of the 14 towers. Accordingly they have right to get their electricity supply connected with the main supply of the project. As confirmed by the SDO, sufficient spare capacity is available for bearing the load of Towers J & K as well. The SDO concerned of DHBVN is hereby directed to immediately connect the electricity supply of tower J&K with the main supply of the project. The RWA of Piyush Heights project is hereby directed not to obstruct connection of the supply to tower J&K with the projects supply. In fact they are directed to facilitate the same. The Authority observes that after the towers J&K are completed and are occupied by the allottees, they will also become a part of the association of the project. The existing association therefore, should not obstruct the association of tower J&K from exercising their lawful rights.

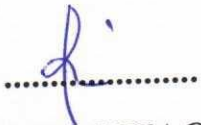


5. Similarly, the sewerage disposal system of tower J&K shall be allowed to be connected with the STP of the project. The allottees of tower J&K have equal and legitimate right to assess this as well as other infrastructure facilities of the project. The Piyush Heights RWA shall not obstruct the association of tower J&K from exercising their right of obtaining connection with the sewerage disposal system and the sewerage treatment plant presently installed in the project. If the system faces any problem, both the associations shall jointly find a solution. The argument that currently installed system is overloaded cannot be used to treat the allottees of tower J&K discriminately.

6. Above directions shall be enforceable in the same manner as a decree of the civil court and appropriate action can be initiated against a person who obstructs in their enforcement. This Authority would expect all parties to scrupulously follow these directions.

6. Adjourned to 1.10.2020 for further monitoring of the progress of the project.


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RAJAN GUPTA
[CHAIRMAN]


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DILBAG SINGH SIHAG
[MEMBER]