



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

1. COMPLAINT NO. 559 OF 2018

GLM Buyers Welfare AssociationCOMPLAINANT(S)

VERSUS

Global Land Masters Infratech Pvt. Ltd. erstwhile M/s Bhoomi Infrastructure
CompanyRESPONDENT(S)

2. COMPLAINT NO. 1373 OF 2018

Rajesh SoodCOMPLAINANT(S)

VERSUS

Global Land Masters Infratech Pvt. Ltd. erstwhile M/s Bhoomi Infrastructure
CompanyRESPONDENT(S)

3. COMPLAINT NO. 603 OF 2019

Narinder Kumar GuptaCOMPLAINANT(S)

VERSUS

Global Land Masters Infratech Pvt. Ltd.RESPONDENT(S)

4. COMPLAINT NO. 613 OF 2019

Madhu AggarwalCOMPLAINANT(S)

VERSUS

Global Land Masters Infratech Pvt. Ltd.RESPONDENT(S)

5. COMPLAINT NO. 3124 OF 2019

Hardeep Singh Gogna

....COMPLAINANT(S)

VERSUS

Bhoomi Infrastructure Company

....RESPONDENT(S)

6. COMPLAINT NO. 351 OF 2020

Rashmi Verma & Varinder Verma

....COMPLAINANT(S)

VERSUS

Global Land Masters Infratech

....RESPONDENT(S)

7. COMPLAINT NO. 969 OF 2020

Just Build Infratech Pvt. Ltd.

....COMPLAINANT(S)

VERSUS

Global Land Masters Infratech Pvt. Ltd.

....RESPONDENT(S)

8. COMPLAINT NO. 1176 OF 2020

Tripta Sharma

....COMPLAINANT(S)

VERSUS

Global Land Masters Infratech Pvt. Ltd.

....RESPONDENT(S)

CORAM:

Rajan Gupta

Chairman

Anil Kumar Panwar

Member

Dilbag Singh Sihag

Member

Date of Hearing: 15.12.2020

Hearing:

- 16th (in complaint no. 559 of 2018)
13th (in complaint no. 1373 of 2018)
11th (in complaint nos. 603,613 of 2019)
6th (in complaint no. 3124 of 2019)
4th (in complaint no. 351 of 2020)
2nd (in complaint nos. 969, 1176 of 2020)

Present: -

Mr. Shekhar Verma, Counsel for the complainant through video conference

(in complaint no. 559 of 2018)

Mr. Rajiv Malhotra, Counsel for the complainants
(in complaint nos. 603, 613 of 2019; 1176 of 2020)

Mr. Rajesh Sood, Counsel for the complainant
(in complaint no. 1373 of 2018)

None for complainant
(in complaint no. 3124 of 2019)

Ms. Rashmi Verma & Varinder Verma, Complainants in person

(in complaint no. 351 of 2020)

Mr. Karan Gaba, Counsel for the complainant through video conference

(in complaint no. 969 of 2020)

Mr. Surjeet Bhadu, Counsel for the respondents through video conference



ORDER (RAJAN GUPTA - CHAIRMAN)

1. In furtherance of the order dated 10.11.2020 statements were made by Shri Surjit Bhadu, Advocate, Id. counsel for the respondent; Shri Shekhar Verma, Advocate, Id. counsel for the complainant association and Smt. Sonia, claimed representative of another association named 'Amazon Allottees Association'. Before recording respective statements of above representatives, the Authority observes that it had appointed M/S Baldev Kumar & Co. as auditors for carrying out forensic audit of the project. A report of the auditor was placed before the Authority in the court. All the parties desirous of obtaining a copy of the report of the auditor may obtain it from the registry of the Authority.
2. Complainants in complaint nos. 3124 of 2019, 351 of 2020 and 1176 of 2020 are seeking possession of the flat booked by them. Therefore, these complaints are merged with the bunch of complaints with main complaint no.559 of 2018. Accordingly, this common order will be applicable on those complaints also.
3. The complainant in complaint no. 969 of 2020 was awarded work for construction of four towers at Amazon Defence County against which he was allotted two flats bearing nos. B1- 403 and C1-1606. He has therefore filed the present complaint seeking arrears of overdue amounts to be paid to him by the respondent and also with a request that his complaint be clubbed



with complaint no. 559 of 2018. The Authority after consideration dismisses his complaint in regard to the relief wherein he is claiming payment of his arrears pertaining to the construction work done against the respondent company for the reason that this Authority does not have jurisdiction to deal with matters where relationship of promoter and allottee is not established. Therefore, his claim for payment of arrears as contractor of the project cannot be adjudicated by this Authority. He may file a separate complaint/civil suit for the same before appropriate forum or court of law. However, in regard to relief seeking possession of flats allotted to him, he shall be deemed to be an allottee. Therefore, his complaint for the said relief is merged with lead case no. 559 of 2018.

4. Shri Surjit Bhadu, learned counsel for the respondent drew attention of the Authority towards sub para (v) of para 6 of the order dated 10.11.2020 and stated that the observations made by the Authority may have an adverse impact on the efforts being made by the promoter to invite an investor for completing the project. He further stated that Rs.104.10 crores stated to be recoverable by the Punjab & Sind Bank are in respect of whole of the project and not only the four towers which are currently the subject matter of deliberations before the Authority. Shri Bhadu stated that at this point of time efforts should be focussed only towards completion of the four towers with the sole objective of handing over possession of the apartments to the



present allottees of the project. Further, the claim of Rs.37 crores of Shri Gandhi is to be satisfied personally by Col. Deswal and his son Abhimanyu Deswal. No claim of Shri Gandhi lies against the properties of the project. Furthermore, as per law laid down by this Authority the claim of the allottees is to be considered superior over any other claim therefore, the claims of the bank and other creditors will be dealt with by the promoter-respondent later on after handing over of the possession of the apartment to the present allottees. Shri Bhadu reiterated that the project should be got completed under the supervision of the Authority in terms of the proposed resolution placed before this Authority on the last date of hearing. Shri Bhadhu also objected to the arguments being put forwarded by Shri Shekhar Verma, Advocate, as counsel of the complainant association, because on the last date of hearing Ms. Rupali Verma had made a statement that they are no longer the counsel-advisors of the Association because the Association was taking action in contravention of their advice for getting the project completed through the respondent company only.

5. Shri Shekhar Verma, Advocate, learned counsel for the complainant association stated that 177 allottees have submitted their affidavits to them. Without making any specific statement, Shri Verma implied that those 177 allottees do not wish to be a part of the settlement process which was placed before this Authority by the respondent company purportedly having been agreed to by over 200 allottees. Shri Verma further

stated that in the absence of the report of the Forensic Auditor and the building plans etc. of the project being provided to them, the Association is not in a position to proceed further in the matter.

6. Mrs. Sonia, one of the allottees of the project appeared before the Authority and stated that she is a member of another association named 'Amazon Allottees Association' which is willing to get the project executed in terms of the settlement placed before this Authority on the last date of hearing. She stated that nearly 200 members of their association are willing to get the project completed through the respondent developer under strict supervision of this Authority. She stated that the allottees are in extremely difficult condition. They have parted with their almost entire savings, but are still awaiting possession of their apartments even after lapse of nearly ten years. There appears no hope of completion of the project except under the guidance and supervision of this Authority.

7. After careful examination of the respective submissions made by the rival parties, the Authority observes and order as follows:

- (i) The argument of Shri Bhadu is accepted that Shri Shekhar Verma, learned counsel for the complainant association should submit a fresh Vakalatnama to be able to represent the complainants because on the last date a specific statement had been made by Ms. Rupali Verma that they are no longer the



advisors of the complainants. Vakalatnama accordingly should be submitted before the next date of hearing.

(ii) Regarding the statement of Shri Bhadu that the respondents are trying to find some investor for completing the project, the Authority observes that there is nothing in the order which prohibits the respondent from inducting a new investor. All correct facts however have to be revealed to any prospective investor for seeking investment. The respondents may produce before the Authority a Memo of Understanding signed by the investor for investing money in the project which will first of all be used for completion of the apartments of the current allottees without creating any additional liabilities on their apartments. The Authority will pass an appropriate lawful order as may be necessary for facilitating induction of an investor. At this stage however the discussions regarding inducting an investor is hypothetical and has no real value. Further discussions on this subject will take place when an investor is identified by the promoter.

(iii) The Authority observes that it has only three modes of getting the project completed i.e. through the promoter himself; through the association of allottees by handing over the project to them; or by any other means. Needless to mention here that the

option of getting the project completed through one of the State Government agencies is not available at all on account of categorical reply of the department conveyed vide their letter dated 03.09.2019.

(iv) A perusal of the last few orders and the statements recorded in this order would lead to an unmistakeable conclusion that at present neither the promoter has financial wherewithal to complete the project nor are allottees presenting themselves as a unified association for taking over of the project. Two rival associations have been formed each claiming membership of 40-50% of allottees. The Authority will not be able to hand over the project to any association unless it demonstrates that at least two third allottees of the project are its members. While one association M/S Amazon Allottees Association is willing to get the project executed through the promoter the other association being represented by Shri Shekhar Verma is vehemently opposing to such a solution. In the face of such rivalry between the associations, the project does not seem to be heading in any direction.

(v) In the face of the fact that neither the promoter is in a position to complete the project nor the allottees are able to come together to form one association of at least two third allottees, the

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project is in doll drums. If no solution is found, the Authority will dispose of the matter by passing appropriate orders in which eventually the only option that will remain will be to initiate liquidation proceedings under Insolvency & Bankruptcy Code, 2016. Needless to mention that this will be a loose loose situation for all.

(vi) The Authority, therefore, would expect all the allottees to come together and try to evolve consensus amongst themselves and then come before the Authority for taking over the project.

(vii) The Authority will continue to remain open about finding "any other means for completing the project". A concrete reply should be submitted by the respondents on the observations made by the Authority in its orders dated 10.11.2020. The respondent should try to muster the support of atleast two third allottees even if a solution is to be found under their aegis. The respondent should also prepare a detailed project report which is financially sound and legally sustainable and also has consent to two third allottees. After presentation of such a document, the Authority will consider the facts and pass further orders as considered appropriate for safeguarding the interest of the allottees and for saving the project.



(viii) Since so far only one association i.e. GLM Buyers Association has filed this complaint no. 559 of 2018, the directions already issued to them in the orders dated 10.11.2020 are reiterated. The second alleged association being represented by Mrs. Sonia may approach this Authority in a formal way by proving their credentials etc. in order to be able to get any lawful relief from this Authority.

8. Cases are adjourned to 10.02.2021.



RAJAN GUPTA
[CHAIRMAN]



ANIL KUMAR PANWAR
[MEMBER]



DILBAG SINGH SHAG
[MEMBER]