

M/s Tarang Infrastructure Ltd.
Vs.
Tarang Flats Owners Association
Appeal No.240 of 2020

Present: Shri Manish Kumar Garg, Advocate with Shri Deepam Raghav, Advocate Ld. counsel for the appellant.

Shri Venket Rao, Advocate, Ld. counsel for the respondent.

{The aforesaid presence is being recorded through video conferencing}

The present appeal has been preferred against the interim order dated 28th July, 2020. In the said order, the Ld. Haryana Real Estate Regulatory Authority, Panchkula (for short, 'the Authority), has issued two directions. First direction to the appellant-promoter is to engage a structural engineer and start the repair work of the building within seven days. It was further directed that the work should be started from the areas which are severely damaged and the appellant was required to submit the progress report on the next date of hearing.

2. Appellant has sent through e-mail the copy of the progress report dated 25th January, 2021 filed before the Ld. Authority. Ld. counsel for the appellant has also stated that the repair work has already started and is in full swing. Ld. counsel for the respondent has not disputed this fact that the repair work of the building had already started as per the direction of the Ld. Authority, but he stated that the pace of the work is slow. The Ld. Authority can take care of this grievance of the respondent-Association as the main complaint is still pending with the Ld. Authority. In these circumstances, Ld. counsel for the appellant

stated that as the appellant has already complied with the first direction of the Ld. Authority, so he does not press the present appeal qua this direction in the impugned order dated 28th July, 2020.

3. The second direction given by the Ld. Authority is that the appellant-Promoter will furnish the list showing the amounts paid by the allottees towards the interest free maintenance security (for short, IFMS). It was further directed that a separate bank account shall be opened and the amount of IFMS shall be deposited in the said account.

4. Ld. counsel for the appellant states that the appellant has already moved an application to the Ld. Authority with list of the allottees showing the amount deposited by them. A separate bank account has also been opened. He contended that the respondent-Association is yet to confirm the name of the allottees mentioned in the list and the amount deposited by them. Ld. counsel for the appellant has further contended that the respondent-Association has also not confirmed the actual number of members of the respondent-Association as per their bye-laws.

5. Ld. counsel for the respondent has undertaken to supply this information to the appellant-promoter in the proceedings pending before the Ld. Authority. However, he pointed out that though the appellant-promoter has supplied the list of the allottees showing the amount deposited by them, but the appellant-promoter has not so far deposited even the admitted amount in the separate bank account stated to be opened for this purpose.

6. The respondent-Association is at liberty to raise this grievance before the Ld. Authority and it is expected that the Ld. Authority will certainly take care of this grievance of the respondent-Association in accordance with law.
7. In view of the aforesaid clarifications, nothing remains to be adjudicated upon by this Tribunal. Consequently, the present appeal stands disposed of in view of the aforesaid observations.
8. Copy of this order be communicated to the parties/Ld. counsel for the parties and Haryana Real Estate Regulatory Authority, Panchkula for information through e-mail.
9. File be consigned to the records.

Justice Darshan Singh (Retd.)
Chairman,
Haryana Real Estate Appellate Tribunal,
Chandigarh

Inderjeet Mehta
Member (Judicial)

Anil Kumar Gupta
Member (Technical)

03.06.2021
Manoj Rana