



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

1. COMPLAINT NO. 2353 OF 2019

Sunita Mittal

....COMPLAINANT(S)

VERSUS

Trishul Dream Homes Ltd.

....RESPONDENT(S)

2. COMPLAINT NO. 2872 OF 2019

Jagpreet Singh

....COMPLAINANT(S)

VERSUS

Trishul Dream Homes Ltd.

....RESPONDENT(S)

3. COMPLAINT NO. 2873 OF 2019

Anil Gupta

....COMPLAINANT(S)

VERSUS

Trishul Dream Homes Ltd.

....RESPONDENT(S)

4. COMPLAINT NO. 3072 OF 2019

Saurav Narang

....COMPLAINANT(S)

VERSUS

Trishul Dream Homes Ltd.

....RESPONDENT(S)

5. COMPLAINT NO. 3063 OF 2019

Paramjit Kaur

....COMPLAINANT(S)

VERSUS

Trishul Dream Homes Ltd.

....RESPONDENT(S)

6. COMPLAINT NO. 3065 OF 2019

Navneet Khurana

....COMPLAINANT(S)

VERSUS

Trishul Dream Homes Ltd.

....RESPONDENT(S)

7. COMPLAINT NO. 3066 OF 2019

Azad Khan

....COMPLAINANT(S)

VERSUS

Trishul Dream Homes Ltd.

....RESPONDENT(S)

8. COMPLAINT NO. 3073 OF 2019

Puneet Manuja

....COMPLAINANT(S)

VERSUS

Trishul Dream Homes Ltd.

....RESPONDENT(S)

9. COMPLAINT NO. 3075 OF 2019

Kamal Narula

....COMPLAINANT(S)

VERSUS

Trishul Dream Homes Ltd.

....RESPONDENT(S)

10. COMPLAINT NO. 3076 OF 2019

Arun Pawar

....COMPLAINANT(S)

VERSUS

Trishul Dream Homes Ltd.

....RESPONDENT(S)

11. COMPLAINT NO. 3077 OF 2019

Ashok Awasthy

....COMPLAINANT(S)

VERSUS

Trishul Dream Homes Ltd.

....RESPONDENT(S)



12. COMPLAINT NO. 3078 OF 2019

Gaurav Gupta

....COMPLAINANT(S)

VERSUS

Trishul Dream Homes Ltd.

....RESPONDENT(S)

13.COMPLAINT NO. 1158 OF 2020

Thomas Varghese

....COMPLAINANT

VERSUS

Trishul Dream Homes Ltd.

....RESPONDENT

14. COMPLAINT NO. 1165 OF 2020

Sunil Kumar Sharma

....COMPLAINANT

VERSUS

Trishul Dream Homes Ltd.

....RESPONDENT

15.COMPLAINT NO. 1173 OF 2020

Santosh Gill

....COMPLAINANT

VERSUS

Trishul Dream Homes Ltd.

....RESPONDENT

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16. COMPLAINT NO. 1179 OF 2020

Sanjay Dwivedi

....COMPLAINANT

VERSUS

Trishul Dream Homes Ltd.

....RESPONDENT

17. COMPLAINT NO. 1188 OF 2020

Ashima

....COMPLAINANT

VERSUS

Trishul Dream Homes Ltd.

....RESPONDENT

18. COMPLAINT NO. 1190 OF 2020

Gurudin Yadav

....COMPLAINANT

VERSUS

Trishul Dream Homes Ltd.

....RESPONDENT

19. COMPLAINT NO. 1408 OF 2020

Deepak Gupta

....COMPLAINANT(S)

VERSUS

Trishul Dream Homes Ltd.

....RESPONDENT(S)



20.COMPLAINT NO. 1409 OF 2020

Suman Bala

....COMPLAINANT(S)

VERSUS

Trishul Dream Homes Ltd.

....RESPONDENT(S)

21.COMPLAINT NO. 1410 OF 2020

Nikunj Gupta

....COMPLAINANT(S)

VERSUS

Trishul Dream Homes Ltd.

....RESPONDENT(S)

22.COMPLAINT NO. 165 OF 2021

Pardip Rakshit

....COMPLAINANT(S)

VERSUS

Trishul Dream Homes Ltd.

....RESPONDENT(S)

23.COMPLAINT NO. 350 OF 2021

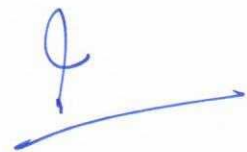
Yashpal Kumar

....COMPLAINANT(S)

VERSUS

Trishul Dream Homes Ltd.

....RESPONDENT(S)



24.COMPLAINT NO. 351 OF 2021

Yashpal Kumar

....COMPLAINANT(S)

VERSUS

Trishul Dream Homes Ltd.

....RESPONDENT(S)

25.COMPLAINT NO. 352 OF 2021

Tarun Malhotra

....COMPLAINANT(S)

VERSUS

Trishul Dream Homes Ltd.

....RESPONDENT(S)

26.COMPLAINT NO. 354 OF 2021

Gaurav Gupta

....COMPLAINANT(S)

VERSUS

Trishul Dream Homes Ltd.

....RESPONDENT(S)

27.COMPLAINT NO. 355 OF 2021

Santosh Kumar Sharma

....COMPLAINANT(S)

VERSUS

Trishul Dream Homes Ltd.

....RESPONDENT(S)



28.COMPLAINT NO. 364 OF 2021

Ankur Goyal

....COMPLAINANT(S)

VERSUS

Trishul Dream Homes Ltd.

....RESPONDENT(S)

CORAM:

**Rajan Gupta
Dilbag Singh Sihag**

**Chairman
Member**

Date of Hearing: 22.07.2021

Hearing:

6th in complaint no.2353 of 2019

7th in complaint nos.2872,2873 of 2019

8th in complaint nos.3063, 3065, 3066, 3072, 3073, 3075,
3076, 3077, 3078 of 2019

3rd in complaint nos.1158, 1165, 1173, 1179, 1188, 1190 of
2020

4th in complaint nos.1408, 1409, 1410 of 2020

1st in complaint nos. 350, 351, 352, 354, 355, 364 of 2021

Present: -

Mr. Anil Gupta, Id. Counsel for the complainants
(in all complaints)

Mr. Vivek Sethi, Id. Counsel for the respondent
through VC



ORDER: (RAJAN GUPTA-CHAIRMAN)

1. All the captioned complaints are taken up together for hearing as the grievances agitated therein are similar and directed against the same project of the respondent. Facts of complaint case no. 2353 of 2019 titled Sunita Mittal versus Trishul Dream Homes Ltd. are taken as lead case.

2. Brief facts of the case were recorded in the order dated 08.01.2020 and comprehensive view about the project as well as the problems being faced by the complainants were also analysed by the Authority. Order dated 08.01.2020 is reproduced below: -

1. ***

2. The case of the complainants is that he had booked 3BHK flat bearing no 307, Tower A5 in August 2014 in respondent's project named 'Trishul Dream homes Ltd' situated at Sector-84, Faridabad. He paid an amount of Rs.17,27,391/-. Builder buyer agreement (BBA) was executed in August 2015 and as per terms of BBA, the possession of the flat was to be delivered by June 2017, but till date no offer of possession has been made nor construction has been started at the site of the project. The complainant has visited the site many times and also contacted the respondent through emails but the respondent has never responded. Thus, after losing hope of getting possession of the flat and due to non-completion of the project, the complainant is now praying for refund of the entire amount paid along with interest and compensation.

3. The respondent in his written statement submitted that applications were invited for allotment of residential flats by M/S SRS Projects Limited in group housing colony being developed under affordable group housing Policy,



2013 of Government of Haryana. A licence bearing no.58 of 2014 dated 17.12.2014 was issued to respondent company, thereafter, only the name of the project was changed from 'M/S SRS Projects Limited' to 'Trishul Dream Homes Ltd'.

The project consists of Seven Towers i.e. A1-A7 having 816 units out of which 340 units are allotted and 476 units stands unallotted. The respondent stated that the construction work of Towers A1, A2, A3, A4 consisting of 2 BHK flats soon be completed whereas construction work soon be initiated for remaining Towers i.e. A5, A6, A7. Respondent further stated that he made a communication dated 04.02.2019 to Ld. Senior Town Planner, Town and Country Planning Department, Haryana for adjustment of 122 allotted flats scattered in three Towers i.e. A5, A6, A7 to already constructed Towers i.e. A1, A2, A3, A4. In response to the said letter, the Senior Town Planner has sent a letter dated 29.05.2019 to respondent requesting him to send the status of the site and allotment of this project for necessary action. This matter is still pending.

Further, the respondent stated that there is no delay on the part of the respondent company. He was not able to complete the project due to non-payment of instalments from various allottees. It is also submitted that as per clause 3.6 of BBA dated 01.08.2015, the possession was to be handed over to the complainant within a period of 4 years from the date of approval of building plans i.e. on 17.12.2014 or grant of environmental clearance i.e. on 19.03.2015 whichever is later. So, from 19.03.2015, deadline of handing over of possession lapsed on 19.03.2019.

4. After hearing both the parties, the Authority observes that as per the complainant, he had booked 3BHK flat in Tower A5 in year 2014. Possession of the said flat should be delivered by June 2017. Since then, 2 years have been lapsed but the respondent neither offered possession nor construction has been done at the site of the project. Further case of the respondent is that he is in the process of completing the towers A-1 to A-4. An application has been filed by the respondent with the Town & Country Planning Department for adjustment of 122 flats of un-constructed towers of A-5 to A-7 into the under-construction towers A-1 to A-5.



The Authority observes that this is an affordable Group Housing Colony. The apartments are allotted to the allottees on the basis of draw of lots carried out under the supervision of the State Government authorities. The apartment to the complainant in Tower A-5 was allotted by way of draw of lots and not on the basis of the choice exercised by him. Authority considers that all efforts should be made by it to facilitate completion of this affordable Group Housing Colony. If refund to the complainant is allowed, it may trigger a similar demand from other 122 allottees who also have been allotted in the unconstructed towers. This surely will jeopardise the complete project.

The Authority, therefore, considers it appropriate to ask the complainant to consider being adjusted in the unallotted apartments of towers A-1 to A-5. The respondents shall give a list of all vacant apartments to the complainant and let him exercise his choice of being re-located in a similar apartment in tower A-1 to A-5. An offer in this regard should be made within 15 days. Both parties will be heard again for arriving at a just and fair conclusion on the next date of hearing. Simultaneously, the respondents are hereby directed to submit a monthly plan of action for completion of towers A-I to A-IV.

5. Adjourned to **12.02.2020**.

3. The Respondent had placed on record an affidavit along with list of allottees being adjusted and transferred from Towers A1, A5, A6, and A7 to Towers A2, A3, A4. He had also submitted a copy of the letters written to all allottees and monthly construction schedule for Towers A1, A2, A3 and A4. Copies of the same were supplied to the complainants. Respondent further apprised that possession of completed apartments would be handed over to the complainants/allottees by July 2022. Learned counsel for the respondent further



Complaint No. 2353, 2872, 2873, 3063, 3065, 3066, 3072, 3073, 3075, 3076, 3077, 3078 of 2019, 1158, 1165, 1173, 1179, 1188, 1190, 1408, 1409, 1410 of 2020, 165, 350, 351, 352, 354, 355, 364 of 2021

submits that reply filed in complaint no. 2353 of 2019 is to be adopted in all the cases and no separate reply shall be filed.

On the other hand, learned counsel for complainants pointed out that the offer made by the respondent is acceptable to 16 allottees and they have settled their disputes, but 12 allottees have objections because floors of their apartments has been changed. He stated that they had initially been allotted apartment on 2nd floor but now the respondent has offered him 7th floor etc. Change of floor is not acceptable to them.

In response to this, the respondent stated that there is no vacant apartment available after adjustment of the allottees from the Towers. If any apartment becomes available in any Tower, he will try to adjust the complainants who may wish to be readjusted.

4. After consideration of the matter, the Authority observes that this is an affordable Group Housing Colony. The apartments were allotted to the allottees on the basis of draw of lots carried out under the supervision of State Government authorities and not on the basis of choice exercised by the complainants. Since the respondent is making efforts to complete the Towers and facilitate the complainants by adjusting them in completed Towers, the objection raised by complainants is not sustainable. However, if any apartment becomes available, the respondent will adjust them.



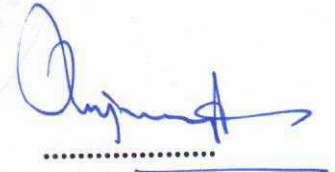
Complaint No. 2353, 2872, 2873, 3063, 3065, 3066, 3072, 3073, 3075, 3076, 3077, 3078 of 2019, 1158, 1165, 1173, 1179, 1188, 1190, 1408, 1409, 1410 of 2020, 165, 350, 351, 352, 354, 355, 364 of 2021

5. Keeping in view of the above stated facts and circumstances, the Authority considers it appropriate to dispose of all these matters with a direction to the respondent to hand over possession of the apartments to all the complainants after adjustments in the new Towers after completing construction work.

In order to ensure that respondent completes the construction work in time, a sou-moto complaint will be registered against the respondent after 30 days from the date of passing of this order. The sou-moto complaint will be heard every two months to monitor progress of construction.

Respondent is also directed to pay earlier imposed cost of ₹2000/- to each complainant.

6. Disposed of. Files be consigned to record room after uploading of this order on the website.



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RAJAN GUPTA
[CHAIRMAN]



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DILBAG SINGH SIHA
[MEMBER]