



**HARYANA REAL ESTATE REGULATORY AUTHORITY,
PANCHKULA.**

Complaint No. RERA-PKL-89 of 2019

Date of Hearing: **13.03.2019**

2nd Hearing

Piyush Heights Residents Tower J & K Welfare Associate

...Complainant

Versus

Piyush Buildwell India Ltd.

...Respondent

Coram:

1. Shri. Rajan Gupta
2. Shri. Anil Kumar Panwar

...Chairman

...Member

Appearance:

1. Sh. Amar pal, Counsel for Complainant
2. Mr. Kunal Muthreja, Counsel for Respondent

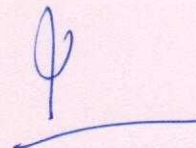
Order:

In continuation of the directions issued by this Authority in its order dated 10.01.2019, learned counsel for the complainant Shri Amar Pal submitted a technical report prepared by M/S Sushil Bajaj and Associates along with an application for taking the same on record. According to the report, an amount of Rs.7.97 crores is required for completing remaining internal works and another Rs.3.66 crores is required for completing the external development works. Even after

leaving luxury items like air conditioner, modular kitchen etc. aside, out of the total Rs.11.38 crores Rs.10 crores may be required for completing essential internal and external works. The total amount that remains to be calculated from the allottees is only Rs.3 crores. Therefore, Rs.7 crores may have to be collected from various sources including allottees for completion of the project.

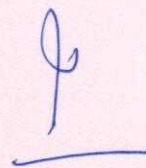
Shri Amar Pal Id. Counsel further stated that all the members of the association are ready to contribute additional sum of money for getting the project completed. All members have already contributed token amount of Rs.10,000/- and the same has been put in the Escrow account. He stated that they have contacted 3 contractors to quote for carrying out the remaining construction work. This process however is yet to be formalised and for which they require another one month time.

Ld. Counsel further stated that large amount of material lying at the site in the custody of the respondent. That material is under lock and key and the Association could not access the same. He requested for issuing directions to the respondent to facilitate inspection of the said material. Since all the members of the association will be contributing a lot of additional amount of money for completing the project, directions may be issue to the Town & Country Planning Department that pending dues of EDC/IDC if any may not be charged from them. Further, the license of



the project should be renewed for the purpose of completion of the project by the association without any additional charge.

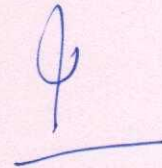
3. Shri Kunal Muthreja learned counsel was present on behalf of the respondents. He stated that he has received instructions from his clients that they are ready to settle the matter with the complainants for which an opportunity may be granted to them. The respondents are also ready to undertake remaining construction work for handing over possession to the complainants.
4. After consideration of the matter, the Authority decides that the respondent may try at his own level to settle the matter with the complainants. If they are so sincere, they may commence construction work at the site for completion of the project and for handing over the possession to the complainants. However, since they have repeatedly defaulted in fulfilling their commitments towards the complainants, at this stage the process of handing over of the project to the association cannot be halted. However, simultaneously the respondents can arrive at some settlement with the complainants, then the action as per the settlement may be taken. In the meantime, however, the Association should continue to pursue the matter for taking over of the project.
5. The Authority further issues following directions to the complainant's Association:



(i) The Association should float tender for inviting bids for carrying out various internal and external development works. Details of all the works to be carried out should be spelt out in the tender document. Further, a draft agreement to be executed with the contractor should be prepared and presented before this Authority on the next date of hearing. If their terms and conditions found acceptable, the same shall be approved by the Authority where-after it could be signed by the association with the contractor.

(ii) Money ranging from Rs.6-10 lacs may have to be contributed in addition by each allottee/member of the association for completion of the project. Before awarding the contract, one third of the money required to be paid by each member up to completion of the project should be deposited in the Escrow Account.

(iii) Shri Kunal Muthreja, learned counsel for the respondent should advise the respondents to facilitate inspection of the construction material lying at the site so that the same could be used by the association with the help of the contractor. The value of the inventory should also be assessed.



(iv) Since respondent have appeared for the first time and shown their willingness to settle the matter, to demonstrate their seriousness, they are hereby directed to prepare a detailed statement of account in respect of each allottee, inter-alia, stating therein the amount receivable and payable by each of allottees. They should also hold a meeting with all the allottees before the next date of hearing i.e. on 25.3.2019 to discuss the matter with them and to demonstrate their willingness and capabilities to undertake completion of the project. This direction however will not in any case dilute the directions given by this Authority for handing over the project to the association.

6. Shri Amar Pal learned counsel for the complainants requested for adjournment for one month to comply with above directions of the Authority.

Adjourned to 09.04.2019.



Anil Kumar Panwar
Member



Rajan Gupta
Chairman