



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 89 of 2019

Piyush Heights Residents Tower J & K
Welfare Association

....COMPLAINANT

VERSUS

Piyush Buildwell India Ltd.

....RESPONDENT

CORAM: **Rajan Gupta**
Dilbag Singh Sihag

Chairman
Member

Date of Hearing: 15.03.2022

Hearing: 22nd

Present: Mr. M. C. Jain, Ex President of Piyush Heights Residents
Tower J & K Welfare Association for complainant-
association

Mr. Rahul Rathore, Counsel for RWA through VC

None for respondent

ORDER (RAJAN GUPTA-CHAIRMAN)


1. Tower J&K of the project Piyush Heights, Sector-89, Faridabad has been got completed by handing it over to Association of Allottees. The Association is a registered society which had a duly elected governing body of which Sh. M. C. Jain was president.
2. In the 21st hearing held on 21.12.2021, Authority had appreciated the efforts of Association in completing the project and handing over possession to allottees. At sr. No.3 (iii) of the last order dated 21.12.2021, Authority had observed that term of the executive body of Association of Tower J&K had expired on 19.12.2021. Authority after consideration of the matter had ordered that executive body of the Association should get itself re-elected and re-constituted as per law. Further, Authority had suggested that all members of the Association should elect a new executive body after complying with provisions of law.
3. Today former president Sh. M.C. Jain appeared before Authority and stated that Registrar of Societies had appointed an Administrator who in-turn has appointed a three-member adhoc committee for managing the affairs of the Society during interim. Further, Administrator himself resigned on 09.02.2022. Now, technically speaking, adhoc committee of three-members has become in-charge of affairs of the Society. The said adhoc committee is in discussions with RWA of rest of the towers of the project and probably are making certain financial commitments in respect of installation of generating set



etc. Sh. M.C. Jain stated that at present, an amount of ₹1,42,12,866/- is lying in bank account of Association. He prayed that since this money has been contributed by members for completion of the project, the money should be safeguarded and appropriate decision in this regard should be taken only by a duly elected governing body. He stated that adhoc committee should not be allowed.

4. Authority is of the view that this project is being completed in exercise of the provisions of Section 8 of the Real Estate (Regulation & Development), Act, 2016. It is the responsibility of the Authority to ensure that the Association functions in accordance with law and interest of all the allottees are safeguarded. For this purpose, it is of utmost importance that all decisions, especially decisions having financial implication, should be made only by a duly elected governing body. Accordingly, the Authority hereby passes following orders for compliance by all concerned: -

- i) The Bank account of the Society bearing No.6479101001941 in Canara Bank, Faridabad, shall remain frozen till a new governing body is elected as per law. Nobody will draw any money out of this account till further orders.
- ii) Branch Manager, Canara Bank, Nahar Par, Faridabad, 121002 is hereby directed to freeze the Bank Account No. 6479101001941 of the Society. After a new governing body is elected, new persons authorised to operate Bank Account will be informed to the Bank



and only those persons shall be allowed to operate the account.
Till such time, the account shall remain frozen.

- iii) District Registrar of Societies is directed to take immediate action for election of a new governing body.
- iv) Till such time, as the new governing body is elected, records of the Association shall remain sealed and kept in the custody of outgoing committee. The outgoing committee shall keep records of the Society in their safe custody under lock and key and hand it over to the new governing body when elected.

5. Sh. Roop Singh, learned counsel appearing on behalf of 7 non-members allottees filed applications to direct the Association to hand over possession of their apartments to such non-member allottees after clearance of their dues. These applications will be taken into consideration after election of the new governing body.

6. Adjourned to 04.05.2022.



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(RAJAN GUPTA)
CHAIRMAN



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(DILBAG SINGH SHAG)
MEMBER