

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

Date: 03.04.2019

Complaint No. 174/2018

M/S Punah Prayas Welfare Association

Versus

M/S Piyush Infrastructure India Pvt. Ltd & Ors.

Hearing: 7th

...Complainant

...Respondent

CORAM:

Sh. Rajan Gupta, **Chairman**
Sh. Dilbag Singh Sihag, **Member**
Sh. Anil Kumar Panwar, **Member**

APPEARANCE :

Sh. Munish Kumar Garg, Counsel for Complainant
None for Respondent

ORDER:

The present complaint has been earlier heard six times on 26.09.2018, 27.11.2018, 20.12.2018, 06.02.2019, 05.03.2019 and 02.04.2019. This is the seventh hearing. All previous orders in this matter shall be read as part of this final order.

2. Despite successful delivery of notice none has appeared on behalf of respondent nor any written submission has been filed. Keeping in view the order dated 05.03.2019, it has been decided to proceed against the respondent ex-parte.

3. The complainant (also referred to as allottees) before this Authority is a society, represented by Mr. Ramesh Kapur, who is one of the allottees of the



respondent's project. This complaint has been filed to adjudicate upon grievances of sixteen allottees who have formed a society called, M/S Punah Prayas Welfare Association, registered under the Societies Act.

4. In brief, the case of the complainant society is that they had booked commercial units in the project of respondent company called, "Piyush Mahendra Metropolitan Mall" in Faridabad, different individuals booked the units on different dates, beginning from the year 2008 upto the year 2015. Builder buyer's agreements were also executed on different dates. The Learned counsel for complainant stated that the deemed date of possession in accordance with the builder buyer's agreement was within 24 to 30 months from date of signing of agreements. More than 90 % of the payable sum of money has already been paid to the respondent, but till date the respondent has failed to handover the possession. Counsel for complainant further stated that the project is almost complete and possession has been handed over to several other allottees. Many shops in the said mall are running, no construction remains to be carried out. Only internal finishing work remains to be completed in individual shops. Since Directors of the respondent company are behind bars facing multiple criminal proceedings, the administration of the respondent company is refraining from handing over the possession to the allottees of Punah Prayas Welfare Association.



5. The complainant society through their written submission had prayed for refund along with interest or possession as an alternate prayer. However, today the counsel for complainant verbally stated that all the allottees of the society are seeking possession, except two allottees (Shyam Sundar Sharma and H.L. Sharma) who are seeking refund of the already paid sum to the respondent. The counsel for complainant also submitted that two allottees namely Jatin Bhandula and Bharat Sharma had not executed any builder buyer agreement and are in possession of only receipts of the payment made to the respondent as a part of sale consideration. The counsel for complainant prayed that a direction may be issued to the company to handover possession to the allottees. The officials of respondent company are refraining from doing so in absence of any direction from the Directors of the company are in jail.


6. It is observed that a small group of allottees have formed an association. Different members of the association are having different grievances. Some are seeking refund and some do not even have a builder-buyer agreement to support their contentions. Since it has been stated that the project has already been completed and several allottees have already occupied the same, now it is not understood why individual grievances are being agitated by forming an association by a small group of allottees. Several members have their own separate grievances. The only common grievance is that many of the allottees are seeking directions of this Authority for handing over the possession of completed




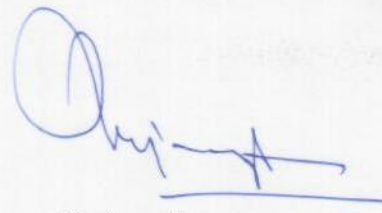
units to them. It is not possible to grant one single relief to all the members of the association. The correct course of action appears to be that each individual member should file their own separate complaint on the basis of their own facts and seek appropriate relief.

7. In order to avoid unnecessary litigation, a direction, however, is hereby given to the respondent company that in respect of those allottees who have paid the entire consideration amount and whose shops are ready and complete for offering possession should be handed over to them within a period of 30 days. If any amount remains to be recovered from the allottees a notice thereof shall be given along with offer of possession. This action shall be taken by the authorised representative of the company within 30 days.

Disposed of in above terms.


Dilbag Singh Sihag
Member


Anil Kumar Panwar
Member


Rajan Gupta
Chairman