



Complaint No.- 89 of 2019

HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

1. COMPLAINT NO. 89 OF 2019

Piyush Heights Residents Tower J & KCOMPLAINANT(S)

Welfare Association

VERSUS

Piyush Buildwell India Ltd.

....RESPONDENT(S)

**CORAM: Rajan Gupta
Anil Kumar Panwar**

**Chairman
Member**

Date of Hearing: 17.09.2019

Hearing: 6th

Present: - Ms. Vaishnavi R. Iyer, Ms. Srishti & Mr. Amarpal, Counsel for the complainant.

Mr. Gaurav Gupta, Counsel for respondent.

ORDER (RAJAN GUPTA- CHAIRMAN)

1. This is sixth hearing of the matter. Certain instructions had been given to the complainants' association for taking over the project for completion. Learned Counsel for the complainant association submitted a detailed action taken report

on instructions issued by the Authority. Today, for the first time, Shri Gaurav Gupta appeared on behalf of the respondents. He, however, did not file any reply but only sought adjournment. The request of the learned counsel for the respondent is rejected because without any written submission the request is only a delaying tactic. It is also observed that a public notice ~~had~~ been issued in the newspaper 'The Tribune' and 'Dainik Jagran' on 17.08.2019 in which the intention of the Authority to confer the right for completion of the project upon the association was declared along with the right to sell 13 unallotted apartments by way of open bidding process. Objections to the proposed course of action were invited.

No objection has been received against the course of action proposed to be adopted by the Authority.

2. Ms.Vaishnavi Iyyer, learned counsel for the complainant stated in detail the actions taken by the association for completion of the project as reproduced below:

S.No.	Stage	Remarks (Status as on 13.09.2019)	Status
a)	Formation of association and current status	1. Number of Association Member- 117 2. Number of Non-Associate Members-20 3. Number of Untraceable-7	Completed



		Member in association-113	
b)	Registration of Association	<ol style="list-style-type: none"> 1. Registered association 2. Bank account opened 3. Pan card received 	Completed
c)	Constitution of Executive Committee	<p>Formed the same are as follows:</p> <p>President: M.C Jain</p> <p>Vice President: Sunit Kumar</p> <p>General Secretary: N.K Jain</p> <p>Joint Secretary: Anup Kumar</p> <p>Treasurer: Rajesh Mittal</p> <p>Executive Member: Deepak Kumar and Rachna Bhatia</p>	Completed
d)	Collection of the last installment as per the payment plan	<p>Number of members who has paid balance amount-113</p> <p>Number of members who has not paid balance amount-04</p> <ol style="list-style-type: none"> 1. Mohit Kashyap- J-112. 2. Ramesh Kuniyal-J-615 3. Santosh Komar K-816 4. Aman Monga-K-1013 	Completed
e)	Assessment of remaining works along with expenditure to be incurred	<p>Prepared by M/s Sushil Bajaj & Associates and submitted in the court.</p> <p>Approximate cost Rs. 8,00,000/- per allottee.</p>	Completed
f)	Drafting of work documents such as	<p>Outsourced to a third party namely M/s Rajtech Constructions and Engineer.</p>	Completed



	BOQ, tender documents.		
g)	Invitation of tender in open market	Contractor namely M/s Garg Enterprises finalized for completion of the project.	Completed
h)	Constitution of supervising a committee.	Committee consist of the following: 1. Mr. Bharat Bhushan 2. Mr. Rajat Dilwali 3. Dr. M.C Jain 4. S.P. Jain (Expert Outside)	Completed
i)	Contract to be signed with contractor	Contract has been prepared with Contractor and submitted for approval on Last Hearing Date 06.08.2019 to Authority for approval.	To be approved
j)	Supervision of construction work	To be done by the executive committee of association till the time construction is carried out	Not done
k)	Completion of construction work and handing over possession.	To be disclosed after finalising the contract.	Not done

3. Learned counsel also stated that an amount of about Rs.2.26 crores has already been collected and put into the escrow account. However, the association

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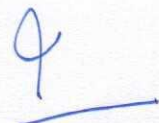
is likely to face a deficit of Rs.3.18 crores which shall be equally contributed by 113-member allottees to begin with.

She stated that a contractor for carrying out the works has also been finalised and a contract with him will be signed after approval by this Authority. List of inventories at the site has also been prepared and duly checked & signed by two representatives of District Town Planner, the respondent, and the President of the Association. The said list of inventories has been communicated to the DTP as well as has been annexed as Annexure-2 with this application.

Regarding formation of a committee for issuing advertisement for sale of unsold apartments, the process has not been completed because Deputy Commissioner, Faridabad has not nominated his representative yet.

4. Ms. Iyer Ld. Counsel stated that the association is facing problem with regard to electricity connection for supplying adequate electricity to all the apartments because, enhancement of load to the extent of 600 KW in respect of tower J&K is required. Ms. Iyer requested that officers of Power Supply Company DHBVNL may be given suitable directions for releasing the required load.

In the end, learned counsel requested for handing over the project to the association; for issuing directions to the Power Department for release of load; to issue directions to the RWA of the other towers of the project to cooperative with the association of J&K towers; to order grant of compensation to the allottees on



account of delay in completion of the project; and to give directions to the Director, Town & Country Planning Department for invoking bank guarantee for completion of infrastructure work of the project.

5. After consideration of the matter, the Authority orders as follows:-

- (i) The complainants' association has fulfilled all the requirements for taking over of the project. The Authority now decides to hand over the project to the association for its completion through a contractor appointed by the Association.
- (ii) A meeting of the Governing Body of the association shall be held every month in which physical and financial progress of the project shall be placed before the full house. Representative of the DTP and the D.C. Faridabad shall be invited in all such meetings. Detailed proceedings of the meetings shall be drawn and submitted every month before this Authority.
- (iii) Deputy Commissioner, Faridabad is once again requested to nominate his representative to enable the association to sell unallotted apartments by way of inviting bids from the prospective Allottees.

Similarly, District Town Planner Faridabad should nominate his two representatives who will associate with the association for



sale of un-allotted apartments by way of open bidding process. Respondent company should be kept informed about it.

The Association is hereby allowed to go-ahead with this process. They will however not allot any apartment to any buyer without seeking prior approval of this Authority.

- (iv) The Chief Engineer and Superintending Engineer, DHBVNL, Faridabad are hereby directed to assess the load required for providing electricity to towers J&K and release the load subject to fulfilment of the conditions as per policy of the DHBVNL.

In view of the fact that the members of the association are going through lot of hardships, Chief Engineer and S.E. DHBVNL should try that unnecessary extra financial burden is not put upon the association.

- (v) Superintendent of Police, Faridabad is requested to issue suitable directions to Police Station concerned for providing security to the association so that they are not obstructed from carrying out the construction work for completion of tower J&K.
- (vi) The District Town Planner and Chief Administrator, HUDA, Faridabad are directed to ensure that the external services of tower J&K are allowed to be properly connected with the external services of rest of the towers of the project. They shall ensure that RWA of the rest of the project does not obstruct functioning of the association

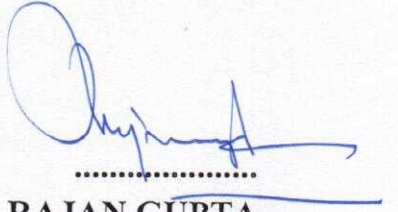
of tower J&K who have been authorised by this Authority to complete the construction work.

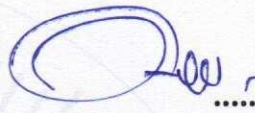
- (vii) Director, Town & Country Planning Department should invoke the bank guarantee furnished by the respondent company and provide money to the complainant association for completion of the infrastructural works. An assessment of the expenditure in this regard should be got made through the District Town Planner, Faridabad.

6. The Authority will monitor the progress of the construction work and other aspects of the functioning of the association on a monthly basis. Atleast one week before the next date of hearing, a meeting of the Governing Body of the Association should be held in accordance with these directions, and minutes thereof submitted before this Authority. This process will continue till completion of the project and satisfactory handing over of the possession to all the allottees. The Law associate concerned shall write letters to all the authorities listed in para 5 above.



Adjourned to 16.10.2019.


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RAJAN GUPTA
[CHAIRMAN]


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ANIL KUMAR PANWAR
[MEMBER]

