



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

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**Subject: Extract of the resolution passed by the Haryana Real Estate Regulatory Authority, Panchkula in its meeting held on 18.03.2019.**

**Item No. 45.7**

**Consideration of the applications received by the Authority for Registration of New Projects.**

- (i) **Promoter - Dhingra Jardine Infrastructure Pvt. Ltd.**  
**Project - "California Country" Group Housing Colony on land measuring 10.38 acres situated in Sector-80, Faridabad.**

This case was discussed in detail by the Authority in its 42<sup>nd</sup> Meeting held on 18.02.2019 when the Authority passed a detailed order. The said order may be read as part of this order. In the said order dated 18.02.2019, the Authority had inter-alia made the following observations: -

- (i) That only the duly appointed Directors of the company were entitled to pursue this matter for registration of the project. Therefore, both the Directors of the applicant company should be personally present before the Authority on the next date of hearing i.e. on 18.03.2019. It was also made clear that in case they failed to appear before the Authority, this application would be rejected and 5% of the fee deposited by them shall be forfeited.
- (ii) That Shri Manbir Singh Oberoi, Power of Attorney Holder of the deceased Director of the applicant company had no locus standi to present the case for registration of the project.
- (iii) That as per agreement 10% of the built-up space had to be allotted to the land owner licensee. The land owner i.e. M/s BVM Projects Pvt. Ltd. be also directed to clarify the various issues relating to the project.

Today, none of the Directors of the applicant company and the land owner company i.e. M/s Dhingra Jardine Infrastructure Pvt. Ltd. and BVM Projects Pvt. Ltd. appeared before the Authority. Sh. Manbir Singh Oberoi stated that Sh.



Ashok Trishal, Director of the applicant company is behind the bars and the other Director namely; Sh. Binod Jha has been absconding due to threat of his arrest. These Directors are facing charges for non-delivery of this project namely; California Country.

Sh. Manbir Singh also stated that the said project has been struck up and they have entered into an MOU/ Power of Attorney to complete the balance construction work of the project. He also stated that they have entered into separate tripartite agreement with majority of the allottees for completion of the project and therefore pursuing this application for registration of the project under the provisions of RERA Act, 2016.

Sh. Manbir Singh also submitted a representation dated 18.03.2019 along with a copy of the agreement dated 20.02.2018 and a copy of Power of Attorney executed by Sh. Virender Dhingra, deceased Director of Dhingra Jardine Infrastructure Pvt. Ltd. and stated that he is competent to pursue the matter with the Authority for registration of the project and complete the balance construction work and to handover the dwelling units to the allottees of the project.

After going through the submission made by Sh. Manbir Singh vide his letter dated 18.03.2019 as well as agreement dated 20.03.2019, the Authority observes that this agreement is not merely an agreement to complete the construction of the project, in fact, it is a sale agreement giving full rights to the Contractors (Second Party) which is represented by Sh. Manbir Singh and Sh. Vineet Handa. The Second Party (Contractors) have taken over all the assets of the project with all benefits/ revenue to be accrued in future by sale of the assets of the project without any liabilities which is against the provision of Section-15 of the Act. The relevant portion of Section-15 is reproduced as under:

“(1) The promoter shall not transfer or assign his majority rights and liabilities in respect of a real estate project to a third party without obtaining prior written consent from two-third allottees, except the promoter, and without the prior written approval of the Authority.”



After consideration, the Authority reiterated its stand that only the duly authorized directors are competent to pursue this application for registration of the project and Sh. Manbir Singh Oberoi has no locus standi to appear the Authority and press for the registration of the project.

The Authority also noted that there are a nos. of FIRs/ court cases which have been filed against the promoters of the project. This was pointed out by another registered association of the allottees of the dwelling units of the project. This association is apparently not in favour of handing over the project to Sh. Manbir Singh Oberoi. The Authority is of the view that the board of directors in the present case seems to have become defunct as one of the directors is behind the bars and the other director is absconding and the power of attorney alleged to have been executed by the deceased Director becomes infructuous after the death of the executor. This power of attorney is no longer a valid instrument. Otherwise also, in the circumstances Sh. Manbir Singh Oberoi has no locus standi to pursue this matter for registration of the project.

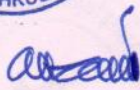
In view of the above, the Authority decided to reject the application and refund the registration fee after deducting 5% of the fee as per policy of the Authority. As regards allottees, they are free to form an association in accordance with Section-8 of the RERA Act and pursue the matter with the Authority for taking over the project for its completion.

True copy

  
Executive Director,  
HRERA, Panchkula

A copy of the above is forwarded to CTP, HRERA Pkl. for information and taking further action in the matter.



  
25/3/19.  
LA (Sarita)