



Complaint No. 308 of 2018

HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 308 OF 2018

Smt. Anuj Tyagi

....COMPLAINANT

VERSUS

M/s TDI Infrastructure Ltd.

....RESPONDENT

CORAM: Rajan Gupta

Chairman

Anil Kumar Panwar

Member

Date of Hearing: 31.10.2019

Hearing: 13th Hearing

Present: - Mr. Vikas Deep, Counsel for complainant.

Mr. Shubhnit Hans, Counsel for respondent.

ORDER (ANIL KUMAR PANWAR-MEMBER)

1. The complainant in this case is aggrieved on four counts namely i). Car parking charges, ii). Charges for increase in super area, iii). Club charges, and iv). Maintenance charges.

2. Complainant's contention about car parking charges is that there is no specific provision in the agreement regarding car parking charges and therefore, the demand made by respondent on this count is unjustified. Per contra, the contention of the respondent is that the covered car parking space is being provided to the complainant and therefore, the impugned demand is justified.

3. To resolve the issue of car parking, the Authority vide order dated 19.03.2019 had directed the respondent to file an affidavit along with supporting documents/photographs showing that covered car parking facility has been actually provided to the complainant. Today, the respondent could only file an affidavit of its authorised signatory along with photographs. The respondent's plea in the affidavit is that car parking charges are being demanded as per the terms and conditions of the agreement executed between the parties. However, learned counsel for the respondent has not been able to point out any provision in the agreement which makes the complainant liable to pay car parking charges.



4. There is no specific mention in the affidavit that a specific covered space has been reserved and provided to the complainant for car parking. So, the respondent is not able to justify the demand of car parking charges on the basis of agreement executed between the parties or even on the ground that a specific covered space has been provided to the complainant.

5. Faced in the aforesaid situation, the respondent's counsel has sought to justify the impugned demand of car parking charges by arguing that the complainant being a user of basement / stilt area for parking his vehicle, is liable to pay car parking charges. This argument too cannot provide any right to the respondent for raising demand of car parking charges because the complainant's counsel has toady clarified that his client does not want to use stilt or basement area for parking his vehicle. In view of such statement made by complainant's counsel, the respondent will not be liable to offer any parking space to the complainant in the basement or the stilt area and therefore, he will not be even entitled to demand car parking charges from the complainant.

6. As regards charges for the super area increase and charges for club and maintenance facilities, the parties have fairly conceded that these issues are squarely covered by earlier decisions of the Authority in **Complaint No. 607 of 2018 titled Vivek Kadyan vs M/s TDI infrastructure Pvt. Ltd., Complaint No. 22 of 2019 Parmeet Singh vs M/s TDI Infrastructure Pvt.**

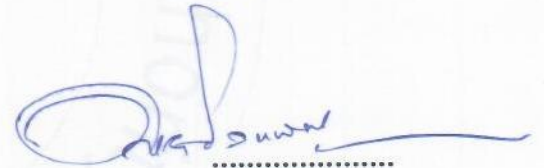


Ltd. and Complaint No. 598 of 2018 Satya Pal Tyagi vs M/s TDI Infrastructure Pvt. Ltd. So, the complainant will be liable to pay the charges in terms of the findings already recorded in the aforesaid decisions.

7. In view of the above discussion, the complaint is disposed of. The file be consigned to the record room and the orders be uploaded on the website of the Authority.



RAJAN GUPTA
[CHAIRMAN]



ANIL KUMAR PANWAR
[MEMBER]