Note on RERA complaint – GHT – CC 93/24, RC no. 735/24
Date: 8-7-2024.

1. Complaint was raised by M. Anand Kumar and 19 others against Nilesh Agarwal HUF and Mehta & Modi Realty Kowkur LLP.
2. Point wise comments are as under:

S No	Complaint/allegation	Response/remarks	action to be taken	Scan Id
1.		Total 19 complainants	Krisha Prasad to check if possession is given. Details of MMR receivable, received and arrears for 19 complainants is required. Details of flats sold by Nilesh Agarwal HUF are also required.	205576 205745
2.	4(D). claim – paying maintenance charges as demanded.	MMC is not being paid regularly and most complainants have arrears of MMC.		
3.	4(D). claim – experience several construction defects.	All complainants have signed letter stating that they will make complaint through the website of the Developer. All complaints raised have been attended to by the Developers engineers and cross checked by QC.	Copy of all complaints + ATR + QC check required for 19 customers.	205643 205644 205645 205646 205647 205648
4.	4(D). claim – lack of provision of basic amenities and facilities.	Project is fully completed. All amenities and facilities are provided as per brochure.	List of all amenities and facilities including utilities to be made. Photographs of all amenities and facilities to be taken – print 4 photographs per page – on photopaper – label each photo. Copy of water connection and electricity connection orders along with last 6 months bills are required.	205201 205200 205891 205898 205928 207637
5.	4(D). claim – as per provisions of the RERA Act respondent was	Project is fully completed. 19 complainants have received possession	Copies of no due certificate and relevant undertaking is required. Copy of bye-laws and rules	205516 205514 205275 416637

	liable to maintain and provide basic facilities and amenities till completion of the project and handing over the same to the Association of the allottees.	of their flats. They have signed no due certificate. They have also signed a letter stating that amenities and facilities are provided or will be provided in due course of time. The purpose of the RERA is to ensure that flats are completed and handed over to the customers along with amenities and facilities – the same has been fully complied with. An Association (society) has been formed for maintenance of the housing project. All amounts related to membership fee, corpus fund and monthly maintenance charges has been deposited in a separate account of the Association. Developer has not collected these charges in its name.	under bye-laws of Association is required. Audited accounts upto 31/3/24 is required. Provision accounts required from 1/4/24 to 30/6/24.	165403 205903 172447 206593
6.	4(E) – complaints are not addressed.	All complaints have been attended to. Copies to be provided.		
7.	4(F) – registered letter dated 13/1/2024 sent to respondent listing out all defects in quality …	Cognisance of all points raised in the said letter was taken. Immediate action was taken by the Developer. All works failing within the scope of the Developer were promptly attended to. A point wise reply to	Copy of notice required. Check if notices was sent by email/ whatspp.	205553

		all the complaints raised was given to the complainants by way of notice dated 5/2/24. These notices were put up on the notice board, handed over in person and also sent by whatsapp/email.		
8.	4(G) – about not attending meeting	The meeting was not confirmed from our side. Allegation is not true.	Download whatsapp chat of all the 19 customers with Krishna Prasad and engineers. Email to be sent to legal@modiproperties.com.	205274 205901
9.	4(H) – vide letter dated 27/1/24 respondent was asked to visit site for meeting with the complainants.	The Developer is in no obligation to meet the complainants on demand. Their complaints are being attended to. Developer has an organisation of about 200 employees in several divisions. Each division has several employees/managers. Site engineers, customer relation executives, quality control engineers, purchase executives, site supervisors, etc., need to coordinate with each other for attending to complaints of the customers. They in turn report to their respective managers. The managers submit regular reports of compliance to the management. It is not possible for the entire team of the		

		Developer to be present for meetings with customers. The Developers responsibility is limited to promptly attending to the customers complaints.		
10	4(I) – repeated allegation			
11	4(J) – another letter dated 22/2/2024 was sent	Several letters were received under the banner of ‘Modi Greenwood Heights Flat Owners’. To the best of our knowledge there is no such legal entity and therefore no formal reply was given. The notices raised the same complaint over and over again. The complaints were promptly attended to. Replay was given by way of notice dated 5/2/2024.		
12	4(K) – repeated allegation			
13	4(L) – repeated allegation			
14	5 – allegations about formation of residents welfare association	Statutory authorities have permitted registration of the association. Legality and similar issues related to formation of the association is beyond the scope of RERA Act. The Assocation has been formed, complainants have become members of the association, they have paid corpus fund, membership fee and have also paid MMC.	Check if any guidelines given by RERA about formation of resident welfare associaton.	

		At this stage it is not open to the complainants to discredit the association.		
15	5.2 – accounts of Association	Audited accounts of the association are available on the Developers website. The Association was made operational from March, 2023. The total expenditure for maintenance of the housing project from March, 23 to June, 24 was Rs. 44.46 lakhs. The income of the Association for the period was Rs. 13.24 lakhs and the deficit was Rs. 31.22 lakhs. Till the occupancy level is about 70% it is not possible to run the Association from its income sources. Accordingly, the Developer is bearing the majority of the cost of the day to day expenses of the Association. Out of the said expenditure of Rs. 44.46 lakhs, the Developer has debited Rs. 35.19 lakhs to its account and only Rs. 10.17 lakhs has been debited to the account of the Association. At this stage the existing residents do not have the resources to fund and manage the Association. Therefore, the	A statement of income Vs expenditure to be prepared and certified by CA.	205276

		Association shall be handed over to the residents when the occupancy reaches about 70%. The complaint of the customers is untenable.		
16	5(3) – referred about GST	All amounts collected form customers by way of GST have been remitted to the government. However, GST returns are filed on a monthly basis after adjusting input tax credit. The copies of GSTR9C upto FY 22-23 are attached herein – these are consolidated returns for the entire year. GST returns from April, 23 to June, 24 are also attached. Compliance with rules and regulations related to GST Act are tobe enforced by the relevant authority. Review /audit of the compliance under GST rules by the Developer is beyond the purview of RERA Act.	Copies of GSTR9C and GSTR3B for the relevant period is required.	205261 205904
17	5.4 – comments on AOS.	The Developer has completed the project and handed over the flats to the complainants. Objections to the AOS are infructuous.		
18	5.5 -	NA	NA	
19	6.1 to 6.4 -	The Association cannot be handed over to the allottees at this stage. The Association should	Make list of all charges and brief description of each charge/ facility.	205267

		have a healthy income before it can be handed over to the occupants of the housing project. The occupants cannot expect the developer to pay for charges related to day to day maintenance of the housing complex like (make list).		
20	6.5 – cooperative housing society	The matter about society Vs cooperative housing society is not yet settled. The matter is under litigation. An interim order permits formation of a society for maintenance of the housing project.	New order permitting registration of the societies for the purpose of RWA – copy required.	205670
21	6.6 – copy of GST invoices and proof of payment to government	All customers have been provided their GST invoices. Proof of payment is by way of GST returns.	Copies of all invoices are required.	152591 205580 205581 205583 146649 170605 143011 171076 130105 143120 146679 130107 140240 170603 170602 205905
22	6.7 – AOS related	The flats have been handed over and the AOS is infructuous. However, Developer is willing to make any necessary correction that may affect the enjoyment of the flats by the existing complainants.		