

LEGAL EFFORTS & STRUGGLE BY COSMO CITY ASSOCIATION FOR THEIR HOMES

YEAR 2014

When some of the home buyers learned that their Cosmo City-2, project in Sector-103 has been sold to Ansal Housing without their knowledge they came on the streets to protest against the fraudulent builder. They strongly agitated to the Authorities and staged protests in front of the Adel's office. They also approached several News Channels and TOI on 4th Jul 2014 who published this news item, which led to then Haryana Principal Secretary Mr T.C GUPTA ordering Departmental Enquiry. Sensing trouble Adel accommodated Approx. 44 flat buyers of City-2 Project in City-1 and City-3 projects of Adel, but unfortunately these two Projects too went into limbo and were never completed.

On 24th Sep 2019, we created ***Cosmo City Flat Buyers Welfare Society Reg. No. HR/018/2014/01555*** for both Cosmo City-1 and Cosmo City-3.

GURGAON FIR No 261 Dated 14/08/2014

After enquiry by EOW Haryana Police the FIR was filed which was the first one against Adel Landmarks Ltd, where the main and sole witness of this FIR was General Secretary of Cosmo City Association.

YEAR 2015

After the publication of this FIR No 261 in the news papers many home buyers came to know the sinister designs of Bharanas resulting in the rush to EOW of Haryana Police who filed many Complaints and FIRs like FIR No 85, 441, 261, 94 and almost 26 other FIRs.

ARREST OF H.S BHARANA

On 14 JUL 2015 -- On the basis of the Above FIR Mr Hem Singh Bharana was arrested By Gurgaon Police and sent to Judicial Custody.

GURGAON SESSEION COURT

On 30 July 2015 -- Cosmo City Association along with Other Home buyers gathered in Gurgaon Session Court and the sheer gathering made Honorable Judge Sharma to reject Mr Bharana's Bail and he was sent to Jail Term and Case Registered

MEETING WITH POLICE COMMISIONER GURGAON

Aug 2015 -- Mr Bharana attended this meeting and was forced to Commit to home buyers gathering at Police station, in front of then Police Commissioner Mr Navndeeep Virk, that he will start refund to un-Allotted home buyers and start Construction for allotted home buyers, then issued a commitment letter to all home buyers to this effect, which he never fulfilled.

AUG 2015

MEETING WITH PWD MINISTER RAO NARBEER SINGH

Cosmo City Association along with other Projects Home buyers marched to PWD Minister Rao Narbeer Singh. He met us giving many assurances for quick action and asked us to give complete details and supporting papers which we submitted and as a follow up met him twice. But only reassured us and did nothing on the ground.

CM Widow Complaint

Association along with other home buyers also filed complained in CM's window, and the complaint was forwarded to DTCP. Also met DTP Mr R.S Bhatt to resolve the issue. Mr R.S Bhatt summoned Adel Landmarks Ltd many times for resolving the matter, but every time, Adel official came with new excuse and only gave false promises and finally DTP team submitted their report to Director Town Planner and washed their hands off.

AGITATION AT CM JANTA DARBAR

Association members met C.M Manohar Khattar during Janta darbar at Tau Devli lal stadium and gave memorandum requesting for the help. He assure the home buyers for appropriate action but he did nothing.

CHANDIGARH HIGH COURT BHARANA BAIL CASE

August 2015 to 9th NOV 2015 -- Cosmo City Association along with other buyers Impleaded In Punjab and Haryan High Court to Oppose Mr H.S Bharana's Bail. On 9th Nov'2015, then the High Court Judge Justice M.S Bedi issued orders on the case of FIR no 261, filed by Cosmo City General Secretary. The Judge ordered refund to all un-allotted home buyers within 6 months and order to DTCP to establish a grievances Cell to listen to allotted buyer's Issues.

NCDRC CASE FILED

May-2015 -- In May 2015 Cosmo city Association Filed 6 Cases In National Consumer Court against Adel Landmarks Ltd to Complete the construction

Subsequently we got a refund order on October 2017 as Judge V.K Jain said that he will not be able to pass any order for the construction as getting construction done by the developer will not be possible for NCDRC .

After this order Builder Did Not Pay the home buyers and delayed the execution till Nov 2018. Then Adel was taken to NCLT in DEC'2019 and this NCDRC order became infructuous.

YEAR 2016

FEB-2016

AGITATION AT JANTAR MANTAR ALONG OTHER PROJECT HOME BUYERS

Association organized a day long agitation at Delhi JANTAR MANTAR along with Noida Home buyers association. Our association President delivered a strong speech and then we all marched to home Minister Rajnath Singh's residence but were pushed back by the Police and could not garner any support from them also.

MAR-2016

MEETING WITH THEN OPPOSITION MINISTER AJAY MAKAN AND RAHUL GANDHI

Association core team along with the Noida home buyers association put forth our issues during in a meeting before opposition congress party head office .

We all home buyers submitted memorandums related to each project and we were assured that they will push the government to take appropriate action and push government to notify RERA for home buyers help.

But day long effort and hope shattered as it was just a photo shop agenda by the congress party and they did nothing

MAY-2016

District Commissioner Complains of Association

Cosmo City Association G.S again complained to then District commissioner Mr T.L. Satyapraksh along with few home buyer at his Office Against the Builder and he ordered DTCP to enquire, asses and offer possible solution. The D.C also arranged a meeting then Attorney General, Haryana. The A.G took all the relevant documents and assured for support in H.C., but nothing much was done by him.

On 17 May 2016 : On Association's complaint DTCP issued a show cause notice to Adel for all the licenses but after many hearings with developer and meeting with Association members, DTCP did nothing in this regard.

AGITATION DURING CM VISIT IN GURGAON SECRETRIATE

Association Along with the Home buyers staged Protest on 18th May'2016 during C.M visit to central secretariat, Gurugram. He again assured for immediate action, but they did nothing.

YEAR 2017

FEB-2017

PROJECT TAKEOVER CASE IN H.C.

Cosmo City Association filed a case in Punjab and Haryana High Court for taking over the Project under Haryana Urban Act 1975, for Cosmo City-1 and Cosmo City-3

Adel got License for City-3 and stated will start construction and for City-1 renewed and asked for time

High court in its order said City-3 license is renewed and for City-1, he advised DTCP to take appropriate action. Then Director Town & country Planner T.L Satya Prakash, summoned Adel many a times but adel always came with false promises and after that DTCP did not take any firm action on the subject matter.

GURGAON SESSION COURT PROCEEDING ON BHARANA CHARGHEET

On the basis of various FIRs for main Charge Sheet Cosmo City Association's appointed lawyer argued on charges so that builder must get prosecuted and charges framed, but there in session court we are getting endless dates after dates without any significant arguments

JUN 2017

DIALOGUE WITH DEVELOPER

As association we started dialogue with the developer from September 2016 and till late 2018. Our core team along with other association members met with Mr H.S BHARANA and SUMMIT BHARANA more than 20 times in their NOIDA office to find out a solution so that log jam could be removed and construction started. During these dialogues he introduce another Builder M/s Akriti who has an agreement to develop and market a tower in City-3. Then Association initiated talks with him also to start the construction, many meetings were held and he invited all the buyers for a meeting in Noida. But the meetings failed due to some conditions like to pay initial funding, wave off the late payment and criminal cases to be withdrawn.

In all their meetings their main demand was to put some initial funds by us to kick start the construction.

But due to land mortgages of the project and non clarity on the title we refused for any understanding with him.

JUL 2017

CHANDIGARH HIGH COURT BHARANA's BAIL CASE

Cosmo City Association Visited Chandigarh and engaged Law Firm Mr Ish Puneet Singh to oppose Bail of Mr Summit Bharana and to put Pressure so that Construction.

When this law firm became ineffective a need was felt to push the case by getting another law firm.

As such Cosmo City Association engaged another law firm R&S Law Associates to oppose Bail and fight our Home Buyers Issues.

On our various Applications High Court Judge Justice Raj Mohan Singh Ordered Adel to File a Sworn Affidavit stating the plan for the start of Construction and Complete the Project.

In the month of August 2017, Adel Filed a Detailed Affidavit in H.C that they will start construction by 2018, but did not comply and due to transfer of this Judge the scenario changed and the new Judge never bothered to push Adel on this affidavit, instead granted bail without seeing those conditions which Justice Raj Mohan had put for the bail.

RERA CHANDIGARH PROJECT TAKE OVER CASE

After RERA was notified, Association Team Visited Chandigarh and immediately filed a case as RERA office was then located in Chandigarh only.

After three hearing in 3 month Chandigarh RERA asked us to withdraw from Chandigarh and re-file in Gurgaon as by then Gurgaon HARERA was constituted

YEAR 2018

JUN-2018

HARERA GURGAON CASE FOR PROJECT TAKEOVER

Filed in June' 2018 for Cosmo City-1 and Cosmo City-3 and more than 6 hearings have been held till date. In three hearings Builder did not sent his Lawyer and evaded more than 3 notices. RERA did not take any action, instead gave them more time. Finally Adel lawyer came in 4th hearing and asked time for filing reply and filed. We filed Rejoinder, but by that time Adel came under NCLT, So no action because of the moratorium.

INDIVIDUAL CASES FILED BY MEMBERS IN HARERA

Association core team helped 30 members to file individual cases to HARERA for similar petition as HARERA was then not allowing association to file petition at that time, therefore association helped 30 members to file case in RERA so that if association case is rejected then at least individual cases will survive.

SEP 2018

On persistent efforts of Cosmo City Association RERA Chairman agreed to meet and the core team met Mr Khandelwal twice and then he summoned Adel landmarks Director Mr Sumit Bharana to join the meeting which he did and was told by Mr Khadelwal to resolve the matter or he will take the action, but it was more like a staged drama.

YEAR 2019

JAN 2019

CLAIM FILING SUPPORT SYSTEM

Our Association Technical Team member created separate page on society website cosmocity.co.in for helping all buyers to file their claim, not only for his association members but also those who were not our members. Our legal team helped people in filing their claims by providing them filled sample form, that immensely helped common home buyers to understand to file the claim.

Team created the website for ready information available regarding the voting, verifying the claims, follow up with Sumedha management, otherwise there were many lawyers to grab this opportunity to make money on pretext of filing the home buyers claim.

NCLT CASE

After seeing that our EDC/IDC is not included in Claim, Cosmo City Association have filed Case in NCLT to include EDC/IDC but more than 7 hearings have taken place and the case is adjourned again and again. ***But in the last hearing the bench has accepted to take it up.***

NCLT Second Case Filed

There are 6 subsidiaries, Digamber, Rational, Golden Glow, Angad, Mansarovar, Pawandoot, of adel whose separate insolvency is filed by Edlewiess to take out the Profitable Assets, and leave Adel with Debt only, ***Cosmo City Filed case against RP to oppose this separate insolvency of those subsidiaries and as per the last hearing on 23rd Sept'2019 these all separate insolvencies will come under one umbrella of Adel in view of the NCLAT order Dated 20th Sept'2019.*** So the consolidation is on the cards. But that might put the the clock back for crip process, means the process will get more time than 330 days.

MAY 2019

DURING NCLT PROCESS ASSOCIATION ACTION

Seeing no resolution Applicant is coming forward Association explored to file a resolution plan for Cosmo City-1 and Cosmo City-3 Project as suggested by one lawyer.

The association members met both Cosmo City Existing Architect M/s GARG ASSOCIATES for Cosmo City-1 and M/s GAUTAM & GAUTAM ASSOCIATES For City-3, on this subject, with the idea that if this situation comes, then we need their assistance.

Another step taken by the association was by hiring a PMC(Project Management Company) and Architect company also to submit a report for project completion cost.

They have given a complete details of Cosmo City-1 and Cosmo City-3 Project completion cost, which keeps us ready in the eventuality of Resolution plan failing, by filing a Case in NCLAT with those complete details and request them to hand over the project to us along with its assets and liabilities to complete the Project.

JUL-2019

Cancellation Of Bharana Bail Application in H.C

Cosmo City Association has filed a review petition in Chandigarh High Court against the bail application granted by the H.C for both Bharans. But due to lawyers strike the filing of case got delayed by two months. ***Now our petition is listed and expect the hearing in first week of Oct'2019.***

After Amrapali Case Verdict from S.C the Association met three lawyers Mr Lahoti and Mr Aditya Porolia and one more lawyer

Mr Lahoti said at this moment we are not eligible to file case directly in S.C and when we insisted he refused to go direct to S.C before any Resolution plan or Before any NCLT order.

Mr Aditya Porolia, also stated that, before resolution plan, or final NCLT order he will also not go to S.C, but after NCLT order he said instead of going NCLAT he may file in S.C but we have to wait till CIRP in NCLT.

LEGAL FIRM ASSOCIATION WORKED WITH

HIGH COURT CASES

1. AGGARWAL ASSOCIATE (SATISH AGGARWAL)
2. R&S Law ASSOCIATES
3. ISH-PUNEET SINGH
4. RAHUL RATHOR
5. S.JAGMINA & CO

NCDRC CASES

1. SUSHIL KAUSHIK
2. AJYA SINGH
3. MANJEET SINGH
4. RAHUL RATHORE

NCLT CASES

1. KOCHAR & CO

GURGAON SESESSION COURT CASE

1. A.G & ASSOCIATES (LAWYER ABHIJEET)
2. AJAY SINGH

RERA CASE

1. RAHUL RATHORE (CHADIGARH RERA)
2. JAIN & ASSOCIATES (ABHAY JAIN)

OTHER LAW FIRM PAID CONSULTATION FOR SUGGESTION

1. GAGAR & GAGAR CO (VAIBHAV GAGGAR)
2. M.L LAHOTI (TWICE CONSULTED FOR S.C)
3. ADITYA POROLIA PSP (CONSULTED FOR S.C)
4. SAHIL SETHI (JAYPEE LAWYER CONSULTEDFOR NCDRC)
5. DHIR & DHIR (CONSULTED FOR NCLT)
6. LEGAJOIST (CONSULTED FOR NCLT)
7. ARJUN SANYAL (AKME RAGA PROJECT LAWYER)
8. INDIA JURISH INT LAW FIRM (CONSULTED FOR WINDING UP)

We tried all legal Forums available with us, We filed cases, suggested as per the law firm and remedy available as per the situation, but in view of our legal process being so slow it takes years for results.

Since we all core members have to attend to our jobs and family matters, so we can't blame any member if they are not able to devote their times.

Frustration among core members is quite obvious as having put so much of efforts and after visiting these lawyers and preparing the documents etc, no concrete solution is seen at the end of the tunnel.

Association is highly thankful to our core team members and all others for their support in this long-drawn battle and without their moral and physical support it would not have been possible to reach the present state. We still have courage and endure to take this battle to the final conclusion and do hard work as required.

Further updates will be provided as per the developments month wise.

Cosmo City Flat Buyers Welfare Society (Dated : 24 Sep 2019)