

To: Amit Jain, Director

07-Nov-2025

Cc: Kaushal Nagpa, Vice President – Finance & Accounts
M/s Nexgen Infracon Pvt. Ltd.

Subject: Rebuttal to Your illegal, baseless, defamatory, intimidatory Communication dated 29.10.2025 against Mahagun Mezzaria Flat Buyers Welfare Association (MFBWA) which is a legally Registered Body with full authority to represent aggrieved allottees under RERA, 2016 and Allied Laws

Dear Mr. Jain, Mr Nagpal

We are in receipt of your email dated **29-Oct-2025** titled *"No recognition to the alleged activities carried out by Unauthorised Association - Mahagun Mezzaria Flat Buyers Welfare Association"*.

We categorically reject, rebut, and condemn the contents of your email as factually false, illegal, untenable, malicious, defamatory. Your email is in gross violation of the Real Estate (Regulation and Development) Act, 2016 ("RERA"), the Uttar Pradesh Apartment (Promotion of Construction, Ownership and Maintenance) Act, 2010, and the Indian Contract Act, 1872.

Through the aforesaid communication you have attempted to delegitimize a **duly registered association of allottees** and have threaten its office-bearers with civil and criminal liability. It is a **deliberate act of intimidation** aimed at silencing legitimate grievances of homebuyers who have paid hundreds of crores of rupees as full consideration, but they are denied **Occupancy Certificate (OC), Completion Certificate (CC), registry, structural safety, fire compliance, Regulatory compliances and contractual defaults on Builder Buyer Agreements/Allotment Letter** due to **your admitted defaults**. Your communication is a deliberate attempt to divert the attention of allottees from the genuine issues raised by the Association for the benefit of the fellow members. It is a fact that your company has allotted flats to more than 700 allottees. The project was launched sometime between 2021-12 but till date, the allottees are waiting for basic amenities and registry of around 300 flats due default committed by the management of Nexgen Infra Private Limited.

Please note that for raising grievances, a simple complaint by a single allottee is enough for setting the law in motion against you as well as the rest of management of the Nexgen Infra Private Limited. The fact remains that you have not fulfilled your responsibilities even after getting full payment against the purchase of flats by the allottees. Apart from that the residents here have paid two years of common area maintenance charges in advance but they are

struggling for basic bare minimum facilities like working of lifts, timely payment of electricity and water charges, club facilities, etc. You have tried to silence the association from raising these basic issues.

Further, it is important to note that forming an association is a fundamental right under Article 19(1)(c) of the Constitution of India, even the Government cannot interfere in forming of an association for raising voice collectively. We have never stated that we are an Apartment Owner Association or Resident Welfare Association, but we are an association incorporated under existing law by the allottees of the Mahagun Mezzaria having around 200 members, which is legal and you are bound to hear our issues. Rather, you are bound to hear issues raised by even a single allottee.

Your statement that you will not hear the concerns raised by the association is in direct contravention of the law of land and it shows your arrogance and your whims and fancies. But you must note that law does not work on whims and fancies of any particular person or organization. You must act in accordance with the law of land, while dealing with allottees of the project.

We unequivocally state:

1. MFBWA is a Legally Registered Association with Full Statutory Standing under RERA Act, 2016

Your assertion that MFBWA is an “unauthorized association” with “no legal standing” is **patently false and misleading**.

- i. MFBWA was **established in 2017 and formally registered in 2018** under the **Societies Registration Act, 1860** vide **Registration No. S-E/1367/Distt. South-East/2018**.
- ii. It comprises **over 200 registered members** – all **allottees of Mahagun Mezzaria** – and is mandated to protect their collective legal and contractual rights.
- iii. **Project Mahagun Mezzaria of Nexgen Infracon Pvt Ltd is registered under UPRERA Act and as such is mandated to comply with the provisions of RERA Act, 2016.**
- iv. **Section 11(4) of RERA Act, 2016 expressly empowers associations of allottees to represent homebuyers in matters concerning non-delivery of OC/CC, structural defects, safe living, payment defaults, and regulatory non-compliance.**

Quote:

The promoter shall— (a) be responsible for all obligations, responsibilities and functions under the provisions of this Act or the rules and regulations made thereunder or to the

allottees as per the agreement for sale, or to the association of allottees, as the case may be

Unquote

- v. **Section 19(11) and Section 17 of RERA Act 2016** grants allottees the right to **participate in planning, execution, and completion** through their association.
- vi. The **Hon'ble Supreme Court in *M/s. Newtech Promoters and Developers Pvt. Ltd. vs. State of UP (2021)*** have upheld the constitutional validity of RERA Act 2016 and thus MFBWA is empowered to represent homebuyers for matters concerning **non-delivery of OC/CC, structural defects, safe living, payment defaults, and regulatory non-compliance**.
- vii. **Consumer Protection Act, 2019 empowers associations of allottees** to represent homebuyers for deficiency of services.

Your claim that only a "Resident Welfare Association (RWA)" or "Apartment Owners Association (AOA)" has legal standing is a deliberate misrepresentation. Until OC/CC is issued, no AOA can be formed under the UP-Apartment Act, 2010. MFBWA is the only legitimate body representing allottees at this stage – a fact you conveniently ignore. As stated above, MFBWA has full legal standing to represent its members

2. Your Email is factually false, illegal, untenable, malicious and Constitutes Defamation, Coercion, Abuse of Dominance and threat – Actionable under Law.

Your threats that:

- i. MFBWA has "no legal standing"
- ii. Its officers "may be liable for any actions"
- iii. Communications "will not be entertained"
- iv. You will "publish public notices" against us

...are **per se illegal, defamatory, coercive, and in violation of Section 356 of BNS, 2023, RERA Act 2016, and Section 3 of the Competition Act, 2002 (abuse of dominant position)**. Also, it constitutes unfair trade practices.

You have **no legal authority** to:

- i. Declare a **registered society** representing homebuyers as "unauthorised"
- ii. Deny their right to demand redressal of grievances, performance of contractual obligations and right to safe living in Mezzaria free from fire hazard and other life-threatening situations.
- iii. Threaten legal action for raising **statutory and contractual grievances**

3. **Your assertion that MFBWA is an “unauthorised association” with “no legal standing” is patently false and misleading** as right from 2018, Nexgen has been interacting MFBWA as legitimate and authorised representatives. This is evident from interactions with Nexgen as well as with Noida Authority and other Regulatory Authorities, few of which are reproduced below:
- i) Our letter dated 28-Mar-2025 to Chairman, Nexgen Infracon Pvt Ltd in which various issues are articulated, attached herewith and mail dated 09-Nov-2019 .
 - ii) Nexgen’s mails dated 01-Nov-2019, 19-Nov-2019, to mezzariafbwa@gmail.com.
 - iii) Noida Authority’s letter ref Noida/Gru/Hou/GH4/2019/5822 dated 07-Nov-2019 calling for a “Conciliation Meeting” between Nexgen Infracon Pvt Lt and MFBWA.
 - iv) Minutes of Meeting dated 19-Nov-2019 at Conciliation Centre of Noida Authority between MFBWA, Nexgen and Noida Authority.
 - v) Letter dated 25-07-2022 by MFBWA to Nexgen highlighting issues faced by homebuyers .
 - v) Mail dated 03-Jul-2025 urging Nexgen to urgently comply with submission of documents to Noida Authority .
 - vi) Letter dated 24-Oct-2025 to Noida Authority requesting Registration of Flats.
- All aforesaid mails/letters are available with you and hence not being enclosed.

4. Nexgen’s Own Admissions Confirm Default – Nexgen’s Letter to Residents (undated, signed by Shri Amit Jain, Director, Nexgen) is sufficient evidence.

In letter to residents (circulated via MyGate), enclosed as Annexure-8, **Mr. Amit Jain, Director, Nexgen admits:**

“We are undergoing a difficult phase... legal proceedings against Mahagun India... expecting conclusion by September 5, 2025... will make payment of all dues for OC of towers 2 and 3 and CC of Mahagun Mezzaria to Noida Authority between 10-15 days’ time.”

This is a clear admission that:

- OC for Towers T2 & T3 is pending
- CC for the entire project is pending
- Dues to Noida Authority remain unpaid
- Structural and fire safety compliance is unresolved

Despite this written undertaking, no payment has been made even as of 07-Nov-2025.

5. Noida Authority Notices, Structural Audit Notice of Noida Authority, MFBWA mails, mails of Other Residents titled OC and Registry Group expose Nexgen’s Gross Negligence.

Nexgen's intimidatory and totally illegal mail is designed to silence voice of home buyers and shall not be tolerated.

As per records:

- i) No action taken by Nexgen Infracon Pvt Ltd on Noida Authority letter No. 213 dated 05-Mar-2025 as per which payment of Rs 10,17,94,631/- was pending against M/s Nexgen Infracon Pvt Ltd. This does not include OTLR payment of more than 9 crores.
- ii) No action taken by Nexgen Infracon Pvt Ltd on Noida Authority letter No. 258 dated 15-May-2025 as per which payment of Rs 11,18,19,767/- was pending against M/s Nexgen Infracon Pvt Ltd. This does not include OTLR payment of more than 9 crores.
- iii) No action taken by Nexgen Infracon Pvt Ltd on Noida Authority letter No. 9711 dated 03-Oct-2025 according to which Nexgen Infracon Pvt Ltd has been directed to clear all dues within fifteen days failing which all benefits provided will be nullified and action as per law will be taken.
- iv) By not complying to pay dues even after availing full benefit of Amitabh Kant Committee and NGT benefit, Nexgen has put itself in the category of wilful defaulter.
- v) No response has been received on various mails of MFBWA and of other buyers to Nexgen highlighting concerns of home buyers including taking all action for grant of OC CC and carrying out Registry
- vi) Mezzaria is still not compliant to fire safety norms. Nexgen, by wilfully not implementing fire safety norms is putting life of all residents in danger for which Nexgen and its management are culpable. Notice dated 20-Sep-2025 from Fire Officer to Nexgen Infracon Pvt Ltd clearly establishes that Mezzaria is not fire compliant.
- vii) In Structural audit report of Nov 2024 submitted to Noida Authority on 19-Aug-2025 by Nexgen for Tower T2 and T3, it was stated that "*concrete grade of from core test of lower basement from shear wall seems to be of low quality*" and "*the reinforcements of these structural elements were corroded and signs of section loss indicating compromise in strength and structural integrity*". It was evident that these deficiencies required rectification. Although Nexgen was aware of this deficiency from Nov 2024, still no action for strengthening was taken. Noida being seismic prone area, by taking no action on these structural deficiencies, Nexgen has put the life of home buyers in danger. It is important

- that all structures be completely safe and compliant with relevant standards and by ignoring this Nexgen has failed to provide a safe and secure environment to its home buyers for which it is culpable.
- viii) In letter ref 4802 dated 27-Aug-25 , it is stated that Structural Audit Report mentions water leakage in basement which must be fixed. Nexgen is required to take urgent action on this as water leakage corrodes reinforcement bars of columns.
 - ix) Regulatory noncompliance of diesel gensets as it still not gas based.
 - x) Nexgen has failed to provide monthly receipt and expenditure statement of CAM Fund collection raising serious doubts about its use.
 - xi) Nexgen has not provided any details of IFMS and Sinking Fund which would be in the region of Rs 15 crores. We assert that Nexgen is liable to keep IFMS and Sinking Fund in an ESCROW account and use interest accrued on it towards reducing CAM being charged from residents.
 - xii) For electricity supply, Nexgen is overcharging through electricity demand charges. It is allowed only to charge as per actuals with a markup as allowed. For Mezzaria, PVVNL sanctioned load is 4,200 kVA. Actual billed demand dated 04-Sept-25 for Mezzaria was 3,500 kVA and demand charges paid to PVVNL: ₹3,46,500/month. However, Nexgen recovered charges from homebuyers on 7,760 kVA at a rate of ₹102.53/kVA, thus making an unjust profit of Rs 4.49 lakhs.
 - xiii) For ensure safety of homebuyers, Nexgen is required to provide/install adequate number of CCTV's on ground floor and in both basements
 - xiv) Safety of residents is seriously compromised as number of security personnel posted is much less than the required numbers. Nexgen is urged to post on Mygaten number of security personnel posted everyday.
 - xv) Late payment for electricity to PVVNL by Nexgen, although it is collected in advance from home buyers.

Failure of Nexgen to act has blocked registry of 296 flats (272 in T2/T3) and exposed residents to seismic and fire risks.

6. MFBWA's Communications Are Fully Justified – Allottees cannot be deprived of their lawful rights

Our various letters/emails including emails dated **22-Sep-2025** demanding payment of dues & structural audit compliance, fire safety compliance, right to safe living and demand contractual

obligations to be fulfilled and mail dated **16-Oct-2025** – Final reminder before 20-Oct-2025 deadline are **100% lawful** and **mandated under the laws of the land as articulated above.**

Your refusal to respond and instead issuing threats is a violation of the laws of the land already stated.

7. OUR DEMANDS :

- i. Withdraw your email dated 29-Oct-2025 within 24 hours.
- ii. Issue an unconditional public apology to MFBWA and all allottees
- iii. Pay ₹12 Cr to Noida Authority by 15-Nov-2025 and submit proof thereof.
- iv. Rectify structural defects in T2/T3 and submit fresh audit report by 15-Nov-2025 and comply with earthquake safety norms
- v. Make Mezzaria fire safe by complying in toto with fire safety norms.
- vi. Obtain OC for T2/T3 and CC for project and complete all 296 registries by 30-Nov-2025

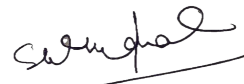
Failure to comply **within seven days** will compel us to :

- i. Publish your mail dated 29.10.2025 in all electronic media, print medial, social and political forum as well as in all other foras available to us.
- ii. Take appropriate actions as per law through UP RERA, Other Courts, District Authorities and any other forum deemed fit.

We emphatically state that Nexgen does not get to decide who represents allottees. The law does and the law is unequivocally on our side.

Govern yourself accordingly.

Yours sincerely,



Gurudeo Sinha President Mobile: 7678638524	Suneal Kumar Singhal Secretary Mobile: 9811428209
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Mezzaria Flat Buyers Welfare Association

Email: mezzariafbwa@gmail.com

Established in 2017 and registered in 2018,

Regn. No. S-E / 1367 /Distt. South East/2018