



**MEZZARIA**

eMail: mezzaria@mezzaria.com

Web Site: <http://www.mezzaria.org>

**FLAT BUYERS' WELFARE ASSOCIATION**  
E-611, First Floor, Greater Kailash Part - II, New Delhi - 110048

To:

Date: 29-Jul-2022

Smt. Ritu Maheshwari, CEO  
New Okhla Industrial Development Authority,  
Administrative Complex, Sector 6,  
NOIDA- 201301  
District Gautam Budh Nagar, U.P., India

*AQM (AH)*  
*Pis call for meeting with builder*  
*next week for mediation*  
*Take up the issues.*

Dear Madam,

**Subject: Concerns and Issues relating to Project Mahagun Mezzaria, GH-01/A, Sector 78, Noida.**

**Background:**

Mahagun Group is developing a residential complex under their group company Nexgen Infracon Private Limited at the subject address. The land for the same was leased by New Okhla Industrial Development Authority to Nexgen Infracon Pvt Ltd for a period of 90 years vide lease deed dated 4<sup>th</sup> June 2010 to develop **Group Housing / Residential Flats**. This is articulated clearly under various clauses and terms & conditions of the subject lease deed.

Approval to develop **Group Housing / Residential Flats** was granted vide Noida/Mu.Va.Ni./III-272/504 dated 2<sup>nd</sup> Mar'12. At this stage promoter started selling the flats to various interested buyers.

Since First Approval Nexgen Infracon has made Significant Material changes to building plans vide Second Approval dated 31<sup>st</sup> Aug'12 (Noida/Mu.Va.Ni./III-272/553) and Third Approval dated 13<sup>th</sup> Apr'16 (Noida/Mu.Va.Ni./III-272/888) without due regards to **Section 4 - General liabilities of promoter as laid out in U.P. Apartment (Promotion Of Construction, Ownership And Maintenance) Act, 2010**. Plans were further changed when Approvals for part completion of Tower 1, 4 and 5 were granted vide drawing Noida/Mu.Va.Ni./III-272/1123 dated 31-05-2019.

Dear Madam, having put across the background we, in capacity of "Mezzaria Flat Buyers Welfare Association" request your due consideration towards following Complaints / Issues being faced by Buyers and Residents:

*29/7/2022*  
*OSD (Group Housing)*



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## **1. Primary Issue - OC for towers T2 and T3**

While buyers have paid their hard earned money since 2012 for a project that was due for completion in 2016, two towers out of total six comprising of 272 flats still await Occupancy Certificate. As per your good office Occupancy/Completion certificate is on hold due to settlement of dues from developers (**Nexgen Infracon Ltd.**). Flat buyers/owners are suffering unnecessary hardships and uncertainty due to no fault of their own and have been waiting from 2016 till date (i.e. 2022) for their dream home.

**Action Requested:** We implore upon you and your good office to have a compassionate view towards the buyers/Owners and take all steps necessary within your power to have this issue resolved as soon as possible.

- a. Kindly put the builder (**Nexgen Infracon**) on notice and call them for face-to-face explanation to demand time line for resolution of the matter. You are requested to make us "**Mezzaria Flat Buyers Welfare Association**" party to such a meeting.
- b. You may also consider a Suo-moto action to alleviate hardships of the flat buyers/owners by issuing Occupancy/Completion Certificate for the remaining towers and allowing registration of all flats soonest. Please note that out of 718 flats in six towers, four towers with 346 flats have already been granted occupancy certificate. Remaining two towers with 272 flats await to be treated justly.

## **2. Primary Issue - Registration / Tripartite Registration Deed between Noida Authority (Lessor), Nexgen Infracon (Lessee) and Buyer (Sublessee)**

Builder has started offering possession of flats in towers without occupancy certificate by calling it "possession for fit-outs" and claiming that they have **Deemed OC**. Buyers are left with no choice due to inordinate delay but to take possession and start living in these flats even while registry of flats in towers with occupancy certificate is still pending. Only 166 flats out of 718 have been registered so far. It is pertinent to mention that builder has collected the Stamp Duty Charges from flat owners. You are very well aware that thousands of flats are today



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occupied without registry using this very route.

In line with **Section 5 - Rights of Apartment Owners** as laid out in **U.P. Apartment (Promotion of Construction, Ownership and Maintenance) Act, 2010** The Tripartite Registration Deed should specifically mention that post completion certificate **Nexgen Infracon** (Lessee) shall have no rights whatsoever on any part of the project and the project in totality must be handed over to legally constituted **RWA**. In present scenario, buyers/owners are being denied due rights and clear title to their property as envisaged under the **ACT**.

**Action Requested:** We humbly request you to ensure:

- a. That Initiate registration process forthwith as buyers have already made full payments and deposited Stamp Duty charges even in the towers where OC is still awaited.
- b. That suitable clause is inserted in the **Tripartite Registration Deed** to ensure that post completion certificate **Nexgen Infracon** (Lessee) shall have no rights whatsoever on any part of the project and the project in totality must be handed over to legally constituted **RWA**.

### 3. **Violation of Fire Safety Norms by removing Periphery Road, Dead ends and insufficient width of internal road with hard surface for Fire tender access**

With Third Approval dated 13<sup>th</sup> April'16 and subsequently as per Completion Drawings that have been submitted for Phase-I on 31<sup>st</sup> May'19, the developer has seriously compromised the Fire and Life Safety Regulations. This Project no longer has an all-around Periphery Road along the boundary wall from perspective of Fire Tender access. A dead end has been created due to public access to the **Mezzaria Mart** and making a ramp under it leading to basement. This Mart was approved in the third approval and should have been captive for daily needs of the residents.

All round periphery road existed in all three approvals, but is absent in completion drawings of first three towers. In First and Second Approval width of the peripheral roads was 9.0M and that of the inside roads was 6.0M. In Third approval width of outer periphery road was reduced to 7.5M. Completion drawing now shows outer road as **Only 6.07M**. Inner road though shown as 6.0M **does not exist**. Instead there is a pathway with grass on the side. Space between obstructions is just 6.0M. There is no road with 6.0M wide hard surface on internal roads. **This Seriously**



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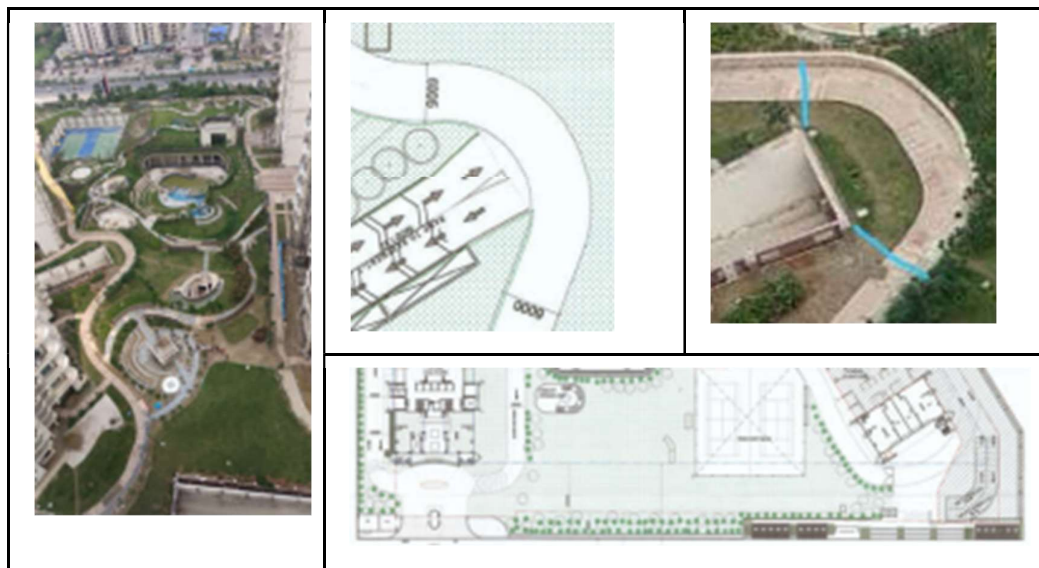
**Compromises the ability of Fire Tenders to have access to towers from All sides.** Project which had three Gates in First and Second approval now only has two gates and an end has been blocked due to the Mart. Reduced Road width is further likely to hinder the access for Emergency services, especially if there is another vehicle in the path, attended or unattended. Please see photos attached.

Changes approved in 3<sup>rd</sup> Approval and Phase-1 Completion Drawings, **Fire and Life Safety** of the residents may have seriously compromised due to stated reasons:

- Very Narrow width of the outer periphery roads which would be used for Emergency vehicles too.
- Absence of wide enough Internal Roads with hard surface roads for Fire Tenders (45 MT)
- Dead End caused by access to the Mezzaria Mart

**Action Requested:** We humbly request you to ensure that:

- Fire and Life Safety of residents is in no way compromised. Project will be safer with all around Periphery Road wide enough for fire tender and resident's vehicle access.
- Inner roads wide enough and with hard surface.
- Level surface in front of the mart for unimpeded all round access for Emergency vehicles.
- A concentrated review by competent authority of Fire clearance obtained whilst applying for OC a physical close inspection of the premises may be carried out.







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#### 4. IFMS/SINKING Fund

The builder is forcing possession takers to deposit **IFMS deposit and Sinking Fund** in his own account and not in an **Escrow account**. As you are aware, many AOA's are already struggling to recover IFMS and Sinking Fund deposits from the builders for years after taking over charge. This has been a major reason for failure of most of the AOA's in managing the affairs effectively.

**Action Requested:** We humbly request you to ensure that: Builder is instructed to collect **IFMS / Sinking** in a designated Escrow account and not use it for any other purpose but as Interest Free Security Deposit / Sinking Fund.

#### 5. Direct Electricity Supply to Residents and Common areas from PVVNL

In accordance with 13th Amendment to Electricity Supply Code, it is mandatory for New High Rise Buildings to opt for multi-point supply from PVVNL. However, **Nexgen Infracon** is not only forcing possession without OC, it is forcing signed consent from the buyers to take electricity supply from Single Point connection from Nexgen Infracon with the sole purpose of generating undue profit. Project is already delayed by 6 years and possession takers are left with no choice but to sign all the one sided documents lest their possession is further delayed.

**Action Requested:** Since Builder is required to submit electrical plans to you, we humbly request you to ensure that:

- a. Builder be suitably instructed to apply for Multi Point Electricity connection from PVVNL for all 718 Flats and common areas.
- b. That builder ensures installation is as per required specifications of PVVNL and at no extra cost to Flat owners. It is noteworthy that amendment had already been in force for one year before builder applied for first partial OC for 318 flats in 2019. Project still does not have a Completion Certificate for all flats.



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## **6. Forced UNDERTAKINGS being Coerced from Allottees by Builder**

Builder “**Nexgen Infracon**” is extracting undue **UNDERTAKINGS** from **Buyers/Allottees**. These undertakings are one-sided and are being extracted with sole purpose of diminishing rights of the Allottees. Allottees have but no choice but to accept/sign them lest their possession is further delayed.

**Action Requested:** Kindly take cognisance of the matter and instruct the Builder accordingly.

Dear Madam, we “**Mezzaria Flat Owners Welfare Association**” have come before you buoyed by positive actions and decisions taken by your good office as reported in media and by word of mouth. Your office is bringing about positive change and has given hopes to homebuyers.

We represent all buyers in **Mahagun Mezzaria Project** and **Issues** listed above are **common to all**. Your **intervention** is earnestly requested in resolving above issues.

**Action Requested:** Kindly call builder (**Nexgen Infracon**) for face-to-face explanation to demand time line for resolution of all matters. You are requested to make us “**Mezzaria Flat Buyers Welfare Association**” party to such a meeting.

With kind regards and sincerity,  
For “**Mezzaria Flat Buyers Welfare Association**”,

(Gurudeo Sinha)  
**President**  
Mobile: 9910409687

(Suneal Kumar Singhal)  
**Secretary**  
Mobile: 9811428209