



HARERA
GURUGRAM

HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

New PWD Rest House, Civil Lines, Gurugram, Haryana

नया पी.डब्ल्यू.डी. विश्राम गृह, सिविल लाईंस, गुरुग्राम, हरियाणा

PROCEEDINGS OF THE DAY		S2
Day and Date	Wednesday and 10.07.2024	
Complaint No.	MA NO. 406/2024 in CR/1057/2024 Case titled as Kay Bajaj VS Sunrays Heights Private Limited	
Complainant	Kay Bajaj	
Represented through	Shri Rohit Dhankar Advocate	
Respondent	Sunrays Heights Private Limited	
Respondent Represented	Shri Harshit Batra Advocate	
Last date of hearing	Application under section 36 of the Act	
Proceeding Recorded by	Naresh Kumari and HR Mehta	
Proceedings		
<p>The present complaint was filed by the complainant on 20.03.2024 and reply has been filed by the respondent on 22.05.2024.</p> <p>Meanwhile, the complainant has filed an application dated 03.07.2024 under Section 36 of the Haryana Real Estate Regulatory Act, 2016 requesting not to create any third-party rights with respect to the unit in question till the pendency of the complaint and in case third party rights have already been created by allotting the unit to the third party, then pending disposal of the present complaint, status quo be maintained pertaining to the unit in question.</p> <p>The complainant stated that the respondent had allotted a unit no. J-151, tower J in the project "63 Golf Drive" at Sector-63A, Gurugram being developed by the respondent under Haryana Affordable Housing Policy, 2013. The builder buyer agreement was executed on 10.10.2016 between the parties for a total sale consideration of Rs.14,59,640/-.</p> <p>The counsel for the respondent states that the unit of the complainants has been cancelled on account of ineligibility as one of the co-complainants has secured allotment of 2 units including the present unit in violation of the provisions of section 5 (ii) (a) of the Act, 2016 of Affordable Housing Policy, 2013 wherein it has been stated that :</p>		



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MANO - 406/2024/HCR/1057/2024

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“Any successful applicant under this policy shall not be eligible for allotment of any other flat under this policy in any other colony. In case, he/she is successful in more than one colony, he/she will have choice to retain only one flat. All such applicants shall submit an affidavit to this effect”

The counsel for the complainants states that the unit of the complainants has been cancelled without following due process as defined under the Affordable Housing Policy. More-over, the co-allottee cannot be treated at par with the first allottee.

Arguments heard.

Order reserved.

Matter to come up on the date already fixed i.e. **07.08.2024** for further proceedings.

Ashok Sangwan
Member
10.07.2024