

PROCEEDINGS OF THE DAY		14
Day and Date	Friday and 17.05.2024	
Complaint No.	MA NO.259/2024 in CR/1063/2024 Case titled as Arun Khanna VS Orris Infrastructure Private Limited	
Complainant	Arun Khanna	
Represented through	Shri Yogesh Yadav Advocate	
Respondent	Orris Infrastructure Private Limited	
Respondent Represented	Ms. Charu Rustagi Advocate	
Last date of hearing	Application u/s 36 of the Act/12.04.2024	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings

The counsel for the complainant is seeking DPC and possession of the unit after setting aside the cancellation of the unit whereas the counsel for the respondent states that they had already applied for OC on 12.07.2021 and offer of possession was given to the complainant in March 2023 and further draws attention of the authority towards the decision of Punjab and Haryana High Court in which it has been clearly mentioned that provisional OC be granted to the respondent subject to the decision of the writ petition but the said provisional OC has not yet been issued by the DTCP and DTCP had to file the reply in the case before the Punjab and Haryana High Court for which DTCP sought time in January 2024 and the matter was listed for 28.02.2024 when the matter could not be heard and it is still pending before the Punjab and Haryana High Court.

The counsel for the respondent states that it was already submitted during the proceedings dated 12.04.2024 that the unit of the complainant was cancelled on 26.12.2023 and third party rights have already been created and they are ready to refund the amount to the complainant-allottee as per RERA norms.

The counsel for the complainant states that they are not ready to accept the refund and further stated that how without valid OC, may be even



HARERA
GURUGRAM

**HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM**

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

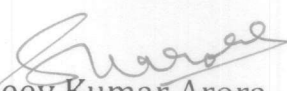
MA No - 259/2024/HC/1063/2024

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

provisional OC, how the respondent can demand for the payment which he had to take from the allottee on offer of possession and hence, the cancellation done by the respondent is on account of non-payment should be treated as null and void and should be set aside.

Matter to come up on 19.07.2024 for further proceedings as both the parties are not cooperating and fighting in between in the court itself.


Sanjeev Kumar Arora
Member
17.05.2024