

PROCEEDINGS OF THE DAY		23
Day and Date	Wednesday and 09.10.2024	
Complaint No.	MA NO. 667/2024 in CR/1079/2024 Case titled as Aman Malhotra VS Sunrays Heights Private Limited	
Complainant	Aman Malhotra	
Represented through	Shri Vijay Partap Singh Advocate	
Respondent	Sunrays Heights Private Limited	
Respondent Represented	None	
Last date of hearing	Application u/s 36 of the Act	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings

The present complaint was filed by the complainant on 26.03.2024 and reply on behalf of the respondent has not been filed till date.

Meanwhile, the complainant has filed an application dated 13.09.2024 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 along with imposition of penalty for willfully disobeying and not complying and not complying with orders and directions of this Authority order dated 23.01.2024, 23.04.2024, 29.04.2024 in MA No. 233 of 2024 arising in original complaint no. 1244 of 2022.

That vide order dated 29.04.2024, the Authority allowed MA No. 233/2024 of the complainant /applicant herein and has given a blanket stay on the allotted units of the buyers / complainants and has categorically directed the respondent / non- applicant to not cancel any unit/apartment in the project in respect of which more than 85% of the sale consideration has already been paid by the allottee, and further directed not create any third party rights in respect of such unit/apartment. For ready reference operative part of the order dated 29/04/2024 is reproduced herein below:



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

"The authority hereby directs that no demands shall be raised by the respondent which are not part of the Affordable Housing Policy and no third-party rights shall be created till next date of hearing. Further, the promoter is directed not to cancel any unit of the allottees of the project where more than 85% of the amount has been deposited and without following the due process prescribed in the Affordable Housing Policy."

The contents of said order were published in the newspaper vide the Authority order vide orders dated 29.04.2024 in-RERA-GRG-1482-2023 (Extension Project), whereby not only the respondent/non-applicant but the public at large were sufficiently informed about the directions/order of this Authority. Despite the aforesaid order being passed in the presence of the respondent / non-applicant and sufficient publication thereof, the non-applicant acting through its directors and key managerial persons have proceeded to issue cancelation notices to the allottees in complete disobedience of this Authority.

The total consideration of the flat was Rs.25,00,790/- and the complainant had paid an amount of Rs.24,98,493/- (exclusive of tax) as and when the demands were raised by the respondent / non applicant. The only last demand, which is not yet raised by the respondent is pending.

None has appeared on behalf of the respondent today. However, a perusal of the facts presented before this authority is sufficient to justify the grant of interim relief as requested by the complainant. In view of the fact that the project is still not completed and the complainant has already paid almost the full amount of consideration of the unit which is under the Affordable Housing Scheme, the respondent is directed to maintain status quo w.r.t the unit of the allottee till the disposal of the case.

Matter to come up on **30.10.2024** for further proceedings.

Ashok Sangwan
Member
09.10.2024