

PROCEEDINGS OF THE DAY		31
Day and Date	Tuesday and 28.01.2025	
Complaint No.	CR/1325/2021 Case titled as DEEPAK BHATIA VS RELIABLE REALTECH PVT LTD	
Complainant	DEEPAK BHATIA	
Represented through	Complainant in person	
Respondent	RELIABLE REALTECH PVT LTD	
Respondent Represented	Ms. Sanya Arora, Advocate	
Last date of hearing	26.11.2024	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings

The present complaint has been received on 19.03.2021 and the reply on behalf of respondent was received on 27.08.2021.

Succinct facts of the case as per complaint and annexures are as under:

S.N.	Particulars	Details
1.	Project name and location	"Antriksh Heights", Sector 84, Gurugram
2.	Project area	23.10 acres
3.	Nature of project	Residential group housing colony
4.	RERA registered/not registered	Not registered
5.	DTPC License no.	123 of 2008 dated 14.06.2008
	Validity status	13.06.2018
	Name of licensee	Reliable Realtech Pvt. Ltd.
6.	Occupation Certificate details	OC received dated 19.05.2016 for tower/block- ➤ AF (ground floor to 17th floor) ➤ AG (ground floor to 9th floor) ➤ AH (ground floor to 7th floor) ➤ AI (ground floor to 9th floor)



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हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम
CR/1325/2021

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

		➤ AJ (ground floor to 9th floor) ➤ AL (ground floor to 18th floor) ➤ EWS (ground floor to 10th floor) OC received dated 14.10.2016 for tower/block- ➤ AE (ground + 1ST floor to 19th floor) ➤ AG (10th floor to 19th floor) ➤ AH (8TH floor to 19th floor) ➤ AI (10th floor to 19th floor) ➤ AJ (10th floor to 19th floor) OC received dated 07.02.2020 for tower/block- Primary School (Ground floor to 3rd floor)
7.	Respondent claiming deemed occupation certificate in respect of following towers	➤ Tower AA – 80 Units, ➤ Tower AB – 80 Units, ➤ Tower AC – 74 Units, ➤ Tower AD – 80 Units, ➤ Tower AE - 40 Units Balance, ➤ Tower AK - 71 Units ➤ Tower AM – 160 Units ➤ EWS – 107 Units Convenient shopping, Community center, balance Part of the basement
8.	Occupation Certificate details	OC received dated 21.09.2020 for tower/block- ➤ AA (ground floor to 19th floor) ➤ AB (ground floor to 19th floor) ➤ AC (ground floor to 18th floor) ➤ AD (ground floor to 19th floor) ➤ AE (ground floor to 19th floor) ➤ AK (ground floor to 18th floor) ➤ AM (ground floor to 19th floor) ➤ EWS block (ground floor to 10th floor) ➤ 2 no's Convenient Shopping Type- 1 (ground only) Community Building (ground floor to 1st floor)



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9.	Unit no.	1805, 18 th floor, Tower/block- AM, Unit measuring 1450 sq. ft. (Page 50 of the complaint)
10.	Date of execution of agreement	30.05.2012 (Page 47 of the complaint)
11.	Date of allotment letter	01.05.2012 (Page 45 of the complaint)
12.	Possession clause	12. POSSESSION, RIGHTS AND INTERESTS <i>The owner shall construct the apartment as early as possible and within 3 years, from the start of construction work unless due to unavoidable circumstances, it is not possible to do so, however, time is not the essence of this Agreement to sell in this regard. If the construction is completed earlier, the possession thereof can be delivered even earlier. The objections of the Allot(s) in this regard are not tenable/entertain able.</i> (Page 55 of the complaint).
13.	Due date of possession	30.05.2015 Note: Date of commencement of construction is not given by either of the parties. Thus, the due date of handing over the possession is calculated from the date of execution of the said agreement i.e., 30.05.2012
14.	Total sale consideration	Rs.61,96,000/- (As per estimated cost at page 46 of the complaint)
15.	Total amount paid by the complainant	Rs.59,22,936/- (As per averment of complainant page 21 of the complaint)



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16.	Re-issue of final demand cum offer of possession	30.11.2020 (Page 8 of the reply)
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The complainant present in person states that due to inordinate delay in offering the possession, a request of refund was made through email in January 2020 and on nonpayment, the above complaint has been filed on 19.03.2021 and hence, requests for allowing full refund alongwith interest from the date of payment till realization. The copy of mail dated January 2020 is not available in the file and the complainant assures to place on record alongwith brief written submissions.

The counsel for the respondent submitted that the respondent has applied for Occupation Certificate on 18.10.2016 along with prescribed documents, but the competent authority failed to process the application within the prescribed period under the Haryana Building Code. In view of the above, the respondent assumed the occupation certificate as deemed to have been issue in terms of code 4.10(5) Of the Haryana Building Code, 2017 Subsequently, the competent authority issued the formal OC on 21.09.2020. Regarding the claim of the respondent in connection with date of deemed Occupation Certificate, the respondent-builder has filed a CWP No. 16873-2020 and same is pending before the Hon'ble Punjab and Haryana High Court, Chandigarh for 11.02.2025.

Both the parties may file written submissions within a period of 15 days with an advance copy to each other.

Matter to come up on 18.03.2025 for pronouncement of order.

Ashok Sangwan
Member

Arun Kumar
Chairman
28.01.2025

Vijay Kumar Goyal
Member