



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 | | 53 |
|-------------------------------|--|-----------|
| Day and Date | Tuesday and 30.04.2024 | |
| Complaint No. | CR/1325/2021 Case titled as DEEPAK BHATIA VS RELIABLE REALTECH PVT LTD | |
| Complainant | DEEPAK BHATIA | |
| Represented through | Shri K.K. Kohli Advocate | |
| Respondent | RELIABLE REALTECH PVT LTD | |
| Respondent Represented | Shri Shankar Wig Advocate | |
| Last date of hearing | 19.03.2024 | |
| 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. |



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

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|----|---|-------------|---|
| 6. | Occupation details | Certificate | <p>OC received dated 19.05.2016 for tower/block-</p> <ul style="list-style-type: none">➤ AF (ground floor to 17th floor)➤ AG (ground floor to 9th floor)➤ AH (ground floor to 7th floor)➤ AI (ground floor to 9th floor)➤ AJ (ground floor to 9th floor)➤ AL (ground floor to 18th floor)➤ EWS (ground floor to 10th floor) <p>OC received dated 14.10.2016 for tower/block-</p> <ul style="list-style-type: none">➤ 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) <p>OC received dated 07.02.2020 for tower/block-</p> <p>Primary School (Ground floor to 3rd floor)</p> |
| 7. | Respondent claiming deemed occupation certificate in respect of following towers | | <ul style="list-style-type: none">➤ 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 <p>Convenient shopping, Community center, balance Part of the basement</p> |
| 8. | Occupation details | Certificate | <p>OC received dated 21.09.2020 for tower/block-</p> <ul style="list-style-type: none">➤ 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) |



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|-----|--------------------------------|---|
| | | <ul style="list-style-type: none">➤ 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 1 st floor) |
| 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 |



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| | | 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) |
| 16. | Re-issue of final demand cum offer of possession | 30.11.2020 (Page 8 of the reply) |

The complainant has sought following relief:

1. Direct the respondents to **refund** the money of Rs. 59,51,890/- paid by the complainant towards sale consideration of the apartment.
2. Direct the respondent to pay the **interest** at the rate of 18% per annum on the refundable amount to the complainant.
3. Direct the respondents to pay amount of Rs.22,08,000/- to the complainant being paid by the complainant towards **rent** on account of non-delivery of possession of the said apartment within the stipulated time period.
4. To pay the penalty of Rs.5,00,000/- to the complainant on account of **harassment**, paid and mental agony suffering being suffered by the complainant on account of non-delivery of the apartment by the respondents.
5. Cost of the complaint may also be awarded in favour of the complainant against the respondent.

The counsel for the complainant states that request for refund was filed before this authority on 19.03.2021 after making a request through email to the respondent for refund in January 2020. The offer of possession has been made on 19.12.2016 and again on 30.11.2020, a copy of which has been placed on record at page 8 of the reply but no copy of the earlier offer is



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placed on record, although the same is mentioned in the offer dated 30.11.2020. The matter is pending in Hon'ble Punjab and Haryana High Court on issue of deemed occupation certificate for which next date fixed is 18.07.2024.

Matter to come up on **13.08.2024** for further proceedings.


Ashok Sangwan
Member

V.)-

Vijay Kumar Goyal
Member


Arun Kumar
Chairman
30.04.2024