

PROCEEDINGS OF THE DAY		70
Day and Date	Tuesday and 31.05.2022	
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 through	Shri Shanker Wig Advocate	
Last date of hearing	04.05.2022	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings through VC

File has been received on transfer from the court of Adjudicating Officer in view of the judgment dated 11.11.2021 passed by the Apex Court in the case bearing no. **SLP(Civil) No(s). 3711-3715 OF 2021) titled as M/s Newtech Promoters and Developers Pvt Ltd Versus State of U.P. and Ors.** as matters regarding refund and interest under sec 18(1) are to be decided by the authority and matters regarding adjudging compensation to be decided by the Adjudicating officer. CRA for refund has been filed by the complainants on 25.03.2022

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

Upon perusal of documents on record, the authority observes that the respondent/promoter has applied occupation certificate on 18.10.2016, along with prescribed documents, but the department has not processed the application of occupation certificate. As such as per code 4.10(5) of the Haryana Building Code, 2017 deemed occupation certificate has been treated by them in this case, which is reproduce below: -



HARERA
GURUGRAM

HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

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

"If no communication is received from the Competent Authority within 60 days of submitting the application for "Occupation Certificate", the owner is permitted to occupy building, considering deemed issuance of "Occupation certificate" and the application Form BR-VIII shall act as "Occupation Certificate". However, the competent authority may check the violations made by the owner and take suitable action".

However, the matter remained pending before the department and vide their letter dated 21.09.2020, they have issued a belated 'occupation certificate' vide memo No. **ZP-451- Vol.-11/AD(RA)/2020/1672 dated 21.09.2020**. Regarding the claim of the respondent in connection with date of deemed occupation certificate, the respondent has filed a CWP no. 16873-2020 and the same is pending before the Hon'ble Punjab and High Court for **01.08.2022**. So, in view of the matter being sub-judices with regard to date of occupation certificate and the complaint having been filed seeking refund after offer of possession, the same is adjourned to 21.09.2022 after the hearing fixed in the High court.

Matter to come up on 21.09.2022 for further proceedings.


Vijay Kumar Goyal
Member


Dr. KK Khandelwal
Chairman
31.05.2022