



HARERA
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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		1
Day and Date	Thursday and 12.01.2023	
Complaint No.	CR/1809/2018 Case titled as ABHA SHARMA Vs BPTP LIMITED	
Complainant	ABHA SHARMA	
Represented through	Ms. Shivali Advocate	
Respondent	BPTP LIMITED	
Respondent Represented	Shri Harshit Batra Advocate (POA filed today)	
Last date of hearing	09.12.2022	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings

The counsel for the complainant states that after cancellation of the unit in 2013, an offer was received from the respondent company on 05.10.2016 intimating excavation of the construction work and offer for the restoration of the unit. However, the counsel for the respondent clarifies that it was only a one time offer but the same was never availed by the complainant-allottee and there has been no correspondence for offer since cancellation of the unit in 2013 and hence the complaint is barred by limitation. Further that the above one time offer does not extend the limitation period as has been held by Supreme Court of India in case titled as **Buttamal versus Union of India** Mannu/SC/0301/1962 and HARERA has also been taking a similar view in case titled as Meera Mahubali versus Ireo Grace Realtech Pvt. Ltd vide complaint No.242 of 2018 and the another case titled as Samir Agarwal versus Bestech India Ltd.

The counsel for the complainant states that period of limitation was to start from one time offer made in 2016 and before expiry of limitation. The instant complaint was filed before the authority for seeking refund of the amount deposited and deduction beyond 10% is not admissible.



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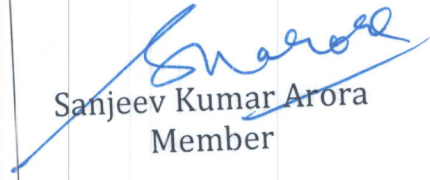
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The counsel for the respondent has supplied a copy of order dated 13.05.2022 in respect of the same builder wherein deduction of 15% in terms of allotment letter has been allowed.

Arguments heard.

Order reserved.

Matter to come up on **27.01.2023** for pronouncement of order.


Sanjeev Kumar Arora
Member


Vijay Kumar Goyal
Member
12.01.2023