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HARYANA REAL ESTATE REGULATORY AUTHORITY
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हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

PROCEEDINGS OF THE DAY

6

Day and Date	Wednesday and 19.03.2025
Complaint No.	MA NO. 932/2024 in CR/1872/2024 Case titled as Mehta Decor VS Ansal Housing Limited & Samyak Projects Pvt.Ltd.
Complainant	Mehta Decor
Represented through	Shri Himanshu Gautam Advocate
Respondent	Ansal Housing Limited & Samyak Projects Private Limited
Respondent Represented	Ms. Vaishnavi proxy counsel for R1 Ms. Apoorvi proxy counsel for R2
Last date of hearing	29.01.2025/appl. u/s 36 of the Act
Proceeding Recorded by	Naresh Kumari and HR Mehta

Proceedings

The present complaint has been filed on **20.05.2024** and the reply of the complaint on behalf of the respondent no. 1 i.e., Ms. Ansal Housing Limited has been filed on 04.09.2024. Reply on behalf on respondent no.2 i.e., Ms. Samyak Projects Pvt. Ltd. has been received on 12.09.2024.

The complainant has filed an application under section 36 of the Act on 13.11.2024 and has sought relief with respect to restrain the respondent from cancelling the unit, creating third party rights and maintaining status quo in respect to the unit. Vide order dated 04.12.2024, the application under section 36 was heard and the order on the said application was reserved for 29.01.2025. On 29.01.2025, the matter was adjourned for 19.03.2025 on the request of the counsel of the complainant.

The respondent no.2 i.e., Ms. Samyak projects Private Limited has filed reply of the application under section 36 filed by the complainant on 04.12.2024. The respondent in the said reply has stated that no builder buyer agreement has been executed between respondent no.2 and the complainant and there is no privity of contract between the complainant and the respondent no.2 . Also, a



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bogus agreement to sell was executed between the complainant and the respondent no.1, wherein respondent no. 2 was neither party nor the same was executed in its presence. The receipts issued by respondent no.1 are certain adjustments made by respondent no.1 and the complainant have not even paid the booking amount towards the unit.

Vide proceedings dated 04.12.2024, the counsel for the complainant stated that the complainant has paid an amount of Rs. 28,20,819/-/- against the total sale consideration of Rs.32,05,128/-. The counsel for respondent no.1 i.e., Ms. Ansal Housing Limited submitted that it has no objection to the relief sought by the complainant. The counsel for respondent no.2 i.e., Ms. Samyak projects Private Limited submitted that there is no privity of contract between the complainant and the respondent no.2 and the amount shown to be paid by the complainant pertains to adjustment receipts against allotment by respondent no. 1 in other projects.

That there are several receipts on record dated 31.07.2019, 12.08.2019, 12.08.2019, 12.08.2019, 12.08.2019, 14.10.2019, 14.10.2019, 06.12.2019, amounting to Rs.51,000/-, Rs.80,157/-, Rs.8,49,127/-, Rs.1,20,029/-, Rs.1,49,740/-, Rs.5,885/-, Rs.1,17,135/-, 10,29,398/-and Rs.4,18,348/- titled as "**Payment in respect of : Shop No. F-163 at ANSALS HUB 83 BOULEVARD**" issued by respondent no.1 in favour of the complainant. The respondent no.2 have challenged the validity of the receipts on the ground that the same are adjustments and the complainant has not paid any amount not even booking amount.

The Authority observes that the receipts issued by respondent no.1 are mere adjustments made by respondent no. 1 in lieu of some other project of the respondent no. 1. Under the circumstances, the application for interim relief is declined without expressing any opinion on the merits of the case. The application stands disposed of.

Matter to come up on 21.05.2025 for further proceedings.

Ashok Sangwan
Member
19.03.2025