



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	Thursday and 18.01.2024	
Complaint No.	CR/1910/2023 Case titled as Kapil Dev Khullar and Sanju Khullar VS Advance India Private Limited	
Complainant	Kapil Dev Khullar and Sanju Khullar	
Represented through	Shri Somesh Arora Advocate	
Respondent	Advance India Private Limited	
Respondent Represented through	Shri Dhurv Rohtagi, Advocate	
Last date of hearing	05.10.2023	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings

The present complaint was filed on 17.05.2023 and the reply on behalf of respondent was received on 05.10.2023.

The counsel for the respondent draws attention towards clause 43 of the application form (page 54 of the reply) wherein it is clear that unit is not for self-occupation and is for the purpose of leasing to a third party. Further as per clause 33 of the BBA, wherein the leasing arrangement has been agreed between the parties as and when necessary and as may be desired by the company in this connection without any objection. The offer of possession has been made to the complainant in terms of allotment and BBA on 15.01.2022 before the due date of possession and there is no delay and hence, the relief of DPC being sought by the complainant is not admissible.

The counsel for the complainant draws attention towards page 80 of the BBA that possession is to be handed over by the respondent on payment of dues and the said provision does not provide for constructive possession. Similarly in clause 12 of the BBA provides for handing over of possession. Further as far as clause 33 of BBA is concerned, the same provides for leasing arrangement but the same is solely on request of allottee and no request has been made to lease out of the unit. The counsel further clarifies that option of



HARERA
GURUGRAM

HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

CR/1910/2023

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

not taking physical possession was at the time of application only but not agreed at the time of BBA.

The counsel requests for grant of relief in terms of orders passed by the authority in CR No.2827/2021 decided on 12.07.2022.

Matter to come up on 27.02.2024 before the full bench for further arguments

V.1 - 
Vijay Kumar Goyal
Member
18.01.2024