

| PROCEEDINGS OF THE DAY | | 47 |
|--------------------------------|--|-----------|
| Day and Date | Tuesday and 13.02.2024 | |
| Complaint No. | CR/2079/2022 Case titled as Anuj Kumar VS REALIABLE REALTECH PRIVATE LIMITED | |
| Complainant | Anuj Kumar | |
| Represented through | Ms Samirdhi Chohan, Advocate | |
| Respondent | REALIABLE REALTECH PRIVATE LIMITED | |
| Respondent Represented through | Shri Vinayak Gupta, Advocate | |
| Last date of hearing | 02.01.2024 | |
| Proceeding Recorded by | Naresh Kumari and HR Mehta | |

Proceedings

The present complaint was filed on **25.05.2022** and registered as **complaint no. 2079 of 2022**. On 25.1.2023, Ms. Neha Sharma Advocate, appeared on behalf of the respondent and filed power of attorney and requested for a short adjournment for filing of reply. Reply not filed by the respondent.

The counsel for the respondent has filed an application dated 26.06.2023, for dismissal of complaint with regard to the claim against 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 **10.10.2023**.

On 20.07.2023, the counsel for the respondent stated that there is stay order by the Hon'ble Punjab and Haryana High Court in above CWP vide order dated 30.09.2022 and further the offer of possession has already been made to the complainant and OC in respect of the unit is also received from the competent authority.

On last date of hearing, 02.01.2024, one more and last opportunity was given to the complainant to file the application if the complainant is willing to take the possession. The proxy counsel for the respondent states during the

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proceedings that respondent otherwise is willing to hand over the possession as OC of the unit has already been received and unit is also offered to the allottee..

| 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. |
| 6. | Occupation Certificate details | <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 - Primary School (Ground floor to</p> |



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| | | |
|-----|---|---|
| 7. | Respondent claiming deemed occupation certificate in respect of following towers | 3rd फ्लोर <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➤ Convenient shopping, Community center, balance part of the basement |
| 8. | Occupation Certificate details | OC received dated 21.09.2020 for tower/block- <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)➤ 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 1st floor) |
| 9. | Unit no. | 1202, 14 th floor, Tower/block- AM measuring 1350 sq. ft. (Page 23 of the complaint) |
| 10. | Date of allotment letter | 13.04.2012 (Page 40 of the complaint) |
| 11. | Date of execution of agreement | 09.08.2012 (Page 21 of the complaint) |
| 12. | Possession clause | 12. POSSESSION, RIGHTS AND |



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| | | INTERESTS |
|-----|--------------------------------------|---|
| | | <p><i>The Owner and Allottee(s) shall be bound by the rules and regulations of Haryana Apartments Ownership Act 1983.</i></p> <p><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 Allottee(s) in this regard are not tenable/ entertainable.</i></p> <p>(Page 28 of the complaint).</p> |
| 13. | Due date of possession | <p>09.08.2015</p> <p>Note: Date of commencement of construction is not given by either of the parties. Thus, the due date of handing over the possession is calculated from the date of execution of the said agreement i.e., 09.08.2012</p> |
| 14. | Total sale consideration | <p>Rs.56,84,000/-</p> <p>(As alleged by the complainant, page 18 of complaint)</p> |
| 15. | Total amount paid by the complainant | <p>Rs.54,46,569/-</p> <p>(As alleged by the complainant, page 18 of complaint)</p> |
| 16. | Offer of possession | <p>27.12.2019</p> <p>[Page 5 of additional documents filed by</p> |



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the respondent on 25.10.2023]

The counsel for the respondent states at bar that the respondent is willing to refund the amount deposited by the complainant alongwith prescribed rate of interest as requested by the complainant while filing the complaint.

Arguments heard.

Both the counsels are directed to file written submissions within 15 days with an advance copy to each other.

Detailed order will follow. Matter stands disposed off.


Ashok Sangwan
Member


Vijay Kumar Goyal
Member


Arun Kumar
Chairman
13.02.2024