

PROCEEDINGS OF THE DAY		7 to 33
Day and Date	Friday and 10.11.2023	
Complaint No.	CR/2064/2023 Case titled as Adar Kumar Jain and Nitin Jain VS Splendor Buildwell Private Limited CR/2088/2023 Case titled as Adar Kumar Jain and Nitin Jain V/S Splendor Buildwell Private Limited CR/2098/2023 Case titled as Adar Kumar Jain and Nitin Jain V/S Splendor Buildwell Private Limited CR/2097/2023 Case titled as Adar Kumar Jain and Nitin Jain V/S Splendor Buildwell Private Limited CR/2076/2023 Case titled as Adar Kumar Jain and Nitin Jain V/S Splendor Buildwell Private Limited CR/2063/2023 Case titled as Adar Kumar Jain and Nitin Jain V/S Splendor Buildwell Private Limited CR/2134/2023 Case titled as Adar Kumar Jain and Nitin Jain V/S Splendor Buildwell Private Limited CR/2058/2023 Case titled as Adar Kumar Jain and Nitin Jain V/S Splendor Buildwell Private Limited CR/2143/2023 Case titled as Adar Kumar Jain and Nitin Jain V/S Splendor Buildwell Private Limited CR/2075/2023 Case titled as Adar Kumar Jain and Nitin Jain V/S Splendor Buildwell Private Limited CR/2140/2023 Case titled as Adar Kumar Jain and Nitin Jain V/S Splendor Buildwell Private Limited	

	CR/2142/2023 Case titled as Adar Kumar Jain and Nitin Jain V/S Splendor Buildwell Private Limited CR/1713/2023 Case titled as Adar Kumar Jain and Nitin Jain V/S Splendor Buildwell Private Limited CR/2059/2023 Case titled as Adar Kumar Jain and Nitin Jain V/S Splendor Buildwell Private Limited CR/1568/2023 Case titled as Adar Kumar Jain and Nitin Jain V/S Splendor Buildwell Private Limited CR/1586/2023 Case titled as Adar Kumar Jain and Nitin Jain V/S Splendor Buildwell Private Limited CR/1587/2023 Case titled as Adar Kumar Jain and Nitin Jain V/S Splendor Buildwell Private Limited CR/1631/2023 Case titled as Adar Kumar Jain and Nitin Jain V/S Splendor Buildwell Private Limited CR/1567/2023 Case titled as Adar Kumar Jain and Nitin Jain V/S Splendor Buildwell Private Limited CR/1632/2023 Case titled as Adar Kumar Jain and Nitin Jain V/S Splendor Buildwell Private Limited CR/1670/2023 Case titled as Adar Kumar Jain and Nitin Jain V/S Splendor Buildwell Private Limited CR/1657/2023 Case titled as Adar Kumar Jain and Nitin Jain V/S Splendor Buildwell Private Limited
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	CR/1671/2023 Case titled as Adar Kumar Jain and Nitin Jain V/S Splendor Buildwell Private Limited CR/1656/2023 Case titled as Adar Kumar Jain and Nitin Jain V/S Splendor Buildwell Private Limited CR/2133/2023 Case titled as Adar Kumar Jain and Nitin Jain V/S Splendor Buildwell Private Limited CR/2139/2023 Case titled as Adar Kumar Jain and Nitin Jain V/S Splendor Buildwell Private Limited CR/1712/2023 Case titled as Adar Kumar Jain and Nitin Jain V/S Splendor Buildwell Private Limited
Complainant	Adar Kumar Jain and Nitin Jain
Represented through	Shri Gaurav Rawat Advocate
Respondent	Splendor Buildwell Private Limited
Respondent Represented	Ms. Shriya Takkar Advocate
Last date of hearing	27.10.2023
Proceeding Recorded by	Naresh Kumari
Proceedings Shri Gaurav Rawat Advocate has appeared on behalf of the complainant (s) and filed memo of appearance today and shall be filing the regular power of attorney on or before the next date of hearing. However, he has moved an application w.r.t examination of the documents filed by the respondent with respect to creation of third party rights and authenticity of agreement for sale with third party after cancellation of the units, as has been annexed by the respondent.	



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हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

The counsel for the respondent states at bar that the complainant (s) had to file reply against the application for vacation of stay within a period of four days as per the proceedings of the authority dated 29.09.2023 which was duly alleged to have been filed by the complainant and copy of the same has been received by the respondent as well. However, the copy of the same is not received in the registry of the authority and the same has been handed over by the counsel for the respondent just now during the proceedings for the record of registry of the authority and further stated that since the reply had already been filed on 03.10.2023, the matter is ripped for arguments and the complainant is avoiding to argue on the one pretext or the other. However, the counsel for the complainant states that since he has been recently engaged and he has yet to go through the details of the case, hence need sometime and further stated that he wishes to implead the parties in whose favour 3rd party rights were created by the respondent.

After hearing the arguments of both the parties, the authority is of the view that as per Order 1 Rule 10 of CPC 1908, the authority needs to examine and take statement of the third parties alleged as per affidavit filed by the respondent to whom these units have been reported to have been sold and with whom the BBA/agreement to sell has been executed way back on 27.12.2022 that too just after 4 days of cancelation of previous allotment and from the copies of agreements filed by the respondent, it has been transpired that those agreements are not registered with the registration authority (Tehsildar office) which is mandated as per Section 13 of the Act, 2016 which clearly states that if the respondent takes more than 10% of the total sale consideration, the agreements/BBAs must be executed and got registered and in this case, it is mentioned by the respondent themselves that they have received 100% consideration but still the BBA/agreements are not registered as per provisions of section 13 of the Act, 2016.

Hence, authority is of the view that notice be sent by the registry of the authority to those third parties to put in appearance and to clarify regarding their dealing with the promoter-company/respondent and those third parties must file the proof of making the payments and the proof of having deducted



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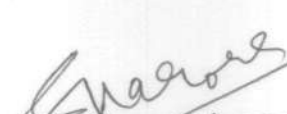
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TDS which is mandatory as per provisions of Income Tax Act 1961. They must file the form 26-QB in support of their transaction with the respondent-promoter and to justify their transaction within a period of three weeks time as requested by the counsel for the respondent is allowed.

Interim order w.r.t status quo of the units in question shall continue.

Matter to come up on **08.12.2023** for further proceedings.


Sanjeev Kumar Arora
Member
10.11.2023