



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		21 to 47
Day and Date	Friday and 08.12.2023	
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	

An Authority constituted under section 20 the Real Estate (Regulation and Development) Act, 2016

भू-संपदा (विनियमन और विकास) अधिनियम, 2016 की धारा 20 के अंतर्गत गठित प्राधिकरण



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CR/2064/2023

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

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/20647/2023

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

	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	Ms. Priyanka Agarwal and Shri Gaurav Rawat Advocates
Respondent	Splendor Buildwell Private Limited
Respondent Represented	Ms. Shriya Takkar Advocate for R1 Shri Pawan Bhardwaj proxy counsel on behalf of third party i.e. Makkar buildcon. Pvt. Ltd.
Last date of hearing	08.12.2023
Proceeding Recorded by	Naresh Kumari and HR Mehta

Proceedings

The present complaint was filed on 03.05.2023 and the reply on behalf of respondent was received on 28.08.2023.

On the last date of hearing, the counsel for party in whose favour third party rights have been created, was asking for adjournment to file the reply and he was given 2 weeks time from the date of receipt of complaint to file the reply but the authority observes that the counsel for the said party i.e. Makkar



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20/06/2023

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

buildcon. Pvt. Ltd. has not yet filed the reply. Hence the authority hereby directs the registry to issue a show cause notice to M/s Makkar buildcon. Pvt. Ltd. as to why penal action should not be initiated against them for not complying with the directions of the Authority. They must file the reply within one week to this effect.

Since the persons/alleged allottees to whom the unit has been allotted after cancellation of the unit of the complainant – allottee, are not coming forward to submit the details asked for by the authority, the respondents are hereby directed to file the complete details as was directed to be filed by those third party/allottees (who became allottees after cancellation of the unit) within a period of 3 weeks as per the directions given in the order dated 10.11.2023.

As regards the violation of provisions of section 13 by the respondent, the counsel for the respondent has filed the reply on 28.08.2023 which states that the complainant (s) had approached for units on 5th floor and 6th floor and later-on, the same were merged in one unit, whereas the authority while observing the agreement for sale and MoU which is Annexure 3 at page 32, it is clear that the complainant is a joint allottee and the total consideration of the unit under consideration is Rs.10,98,48,000/- against which the respondent took a sum of Rs. 5,49,24,000/- vide 36 cheques. However, against those 36 cheques, cheques of Rs 2 Crores were got encashed by the respondent which again is more than 10% and is violation of Section 13 of the Act, 2016 and further when the units allotted to the original allottees/complainant in this case were terminated on 22.12.2022 and reallocated to third parties on 27.12.2022 and against the full consideration for the said units and that too without the execution/registration of the BBA as required under section 13 of the Act, 2016.

The authority further directs the respondent that since it is a RERA registered project, the copy of QPRs for the relevant quarters filed with the authority should be placed on record before the next date of hearing and a show cause notice be sent to the respondent as to why a penalty u/s 61 of the Act 2016 should not be imposed for violation of Section 13 of the Act by the respondent.



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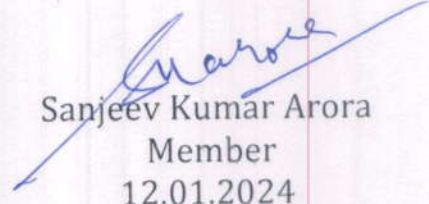
हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

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Matter to come up on **16.02.2024** for further proceedings.


Sanjeev Kumar Arora

Member

12.01.2024