

PROCEEDINGS OF THE DAY		47-73
Day and Date	Friday and 22.03.2024	
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	



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हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

CR/2059/2023

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

	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 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 Advocate
Respondent	Splendor Buildwell Private Limited
Respondent Represented	Ms. Shriya Takkar and Ms. Smriti Srivastava Advocates for R1 Shri Sumesh Malhotra counsel on behalf of third party i.e. Makkar Buildcon. Pvt. Ltd. Shri Ashwani Khemka director of the respondent company in person
Last date of hearing	16.02.2024
Proceeding Recorded by	Naresh Kumari and HR Mehta



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Proceedings

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

The counsel for the complainant states that the respondent is trying to prolong the matter unnecessarily whereas the counsel appearing on behalf of third party i.e. Makkar Buildcon. Pvt. Ltd (in whose favour the rights of the property/unit No.501, 502, 517 to 527 were transferred on 06.01.2023 through unregistered BBA after cancellation of the unit of the original allottee on 22.12.2022) states that the matter was listed for yesterday before the Hon'ble Appellate Tribunal, but the same was adjourned on the request of the counsel for third party i.e. Makkar Buildcon. Pvt. Ltd., who prayed for some time to prepare the case and address the arguments and the same is listed for hearing before the Hon'ble Appellate Tribunal today i.e. 22.03.2024. The counsel for the third party i.e. Makkar Buildcon. Pvt. Ltd. has stated that they shall be filing the latest update/outcome of the appeal with Hon'ble Tribunal, at the earliest possible and certainly before the next date of hearing.

However, it is observed that third party (**Makkar Buildcon. Pvt. Ltd.**) has filed short objection on 15.03.2024 which is dated 16.02.2024 and affidavit enclosed is also 16.02.2024.

As regards, penalty under section 61 of the Act on respondent No.1, it was conveyed on 16.02.2024 that authority shall conclude the penalty proceedings on next date but respondent No.1 did not file any reply to show notice u/s 61 of the Act. However, it is observed that on 15.03.2024, respondent No.1 filed certain documents for placing on record and as per para No.3 page 11 of said covering letter, respondent has agreed having received 18.2% of sale consideration which is more than 10% of sale consideration, even if be so, still there is a violation of section 13 of the Act (as no BBA stands registered) is liable to be penalized. Further no BBA stands registered in favour of third parties from whom also more than 10% of total sale consideration received to whom units were transferred allotted after cancellation of unit of original allottee, which again leads to/establishes violation of section 13 of the Act and hence liable for penalty u/s 61 of the Act.



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However, the counsel for the respondent no.1 also requested to take cognizance of appeal filed by third party M/s Makkar Buildcon Pvt. Ltd and have requested for short adjournment.

Before the above proceedings could be uploaded, it came into knowledge of the Authority that an interim order dated 22.3.2024 has been passed by the Hon'ble Tribunal in Appeal No.140 of 2024. The relevant portion of which is re-produced as under :-

"Issue notice to the respondents for 29.4.2024 through post, e-mail and dasti as well. The Authority would adjourn the proceedings beyond the next date fixed before this Tribunal. "

Matter finally stands adjourned to **03.05.2024**.

Sanjeev
Sanjeev Kumar Arora

Member

22.03.2024