



HARERA
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HARYANA REAL ESTATE REGULATORY AUTHORITY
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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

PROCEEDINGS OF THE DAY		25
Day and Date	Friday and 09.02.2024	
Complaint No.	CR/2156/2021 Case titled as MAYANK MANU BHARDWAJ VS ADVANCE INDIA PROJECTS LIMITED	
Complainant	MAYANK MANU BHARDWAJ	
Represented through	Shri Sukhbir Yadav Advocate	
Respondent	ADVANCE INDIA PROJECTS LIMITED	
Respondent Represented	Shri M.K. Dang Advocate	
Last date of hearing	08.12.2023	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings

The present complaint has been received on 22.04.2021 and the reply on behalf of the respondent was filed on 03.08.2021. CRA on behalf of complainant was filed on 29.04.2022.

Vide proceedings dated 21.10.2022, it was directed that the respondent shall not create any third-party rights till the next date of hearing.

The counsel for the complainant was directed to file the application to amend the relief as per his request to amend the relief on the last date of hearing. Further stated that application for amending the relief is being delivered now during the proceedings to the counsel for the respondent and the counsel for the respondent agrees to give possession of the unit subject to clearance of all the dues by the complainant. Further states that the complainant has booked the unit on 12.01.2018 and allotment of the same was issued by the respondent on 22.05.2018 as per which the respondent has to pay assured return upto the valid offer of possession as per page No.72 of the complaint and that assured return clause was mentioned in the allotment letter itself and no BBA or addendum has been executed till now whereas the complainant has paid a sum of rs.31,93, 195/- against total sale consideration



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of Rs. 35,33,686/- and hence, there is a violation of RERA norms that without execution of BBA, they have received more than 10% i.e. to the tune of around 94% of the total sale consideration. Further states that the respondent has increased the area of the unit unilaterally from 207 sq. ft. to 215 sq. ft. and the assured return was paid by the respondent upto January 2021.

The counsel for the respondent states that the respondent has sent a mail for execution of BBA on 28.07.2020 and upto date, Rs.15,10,476/- was received from the complainant as per page 88 of the complaint but the complainant is not coming forward to execute the BBA. Further stated that due date of possession was December 2022 and the offer was made prior to that i.e. on 27.01.2022, whereas the complaint has been filed by the complainant on 22.04.2021, hence it is a pre-mature complaint and cannot be considered. Further submitted that as regards the variation in the area of unit, it is less than 5% of the originally allotted area. Further stated that all the demands raised alongwith offer of possession were legal and as per BBA and assured return was payable subject to making of payment in time by the complainant as per page 53 of the reply. The unit was terminated on 10.07.2020 and later-on, on the request of the complainant on 22.07.2020, the unit of the complainant was restored and at that time 50% of the delayed interest was also waived off.

Part arguments heard.

Finally, the counsel for the complainant states that he wants to withdraw the present application for amendment of the relief and wishes to pursue only the original reliefs claimed in the main complaint i.e. refund as per RERA norms.

Matter to come up on 19.04.2024 for further arguments.


Sanjeev Kumar Arora

Member

09.02.2024