

PROCEEDINGS OF THE DAY		10
Day and Date	Thursday and 12.09.2024	
Complaint No.	CR/2195/2023 Case titled as Sandeep Seth and Nikhil Soni VS Advance India Private Limited & Wellworth Projects Developers Pvt Ltd.	
Complainant	Sandeep Seth and Nikhil Soni	
Represented through	Shri Dhruv Lamba Advocate	
Respondent	Advance India Private Limited & Wellworth Projects Developers Pvt Ltd.	
Respondent Represented through	Shri Harshit Batra, Advocate	
Last date of hearing	01.08.2024	
Proceeding Recorded by	Mahavir Sharma and Manju Bala	
Proceedings The present complaint was received on 29.05.2023 and the reply on behalf of respondent no. 1 was received on 29.11.2023. The counsel for the complainant states that vide clause 11 and 12 of buyers' agreement, which specifically deals with procedure for taking of possession and handing over of possession, the respondent has promised to handover the possession of the subject unit i.e., physical handing over of possession. Since nowhere in the allotment letter or buyers' agreement the words constructive possession has been used. Therefore, the offer of constructive possession (24.03.2022) is liable to be set aside since the same is never agreed <i>inter se</i> parties. The counsel for the respondent rebuts the argument of the complainant and has relied on clause 'j' of the booking application form wherein it has been specifically mentioned that the unit is not for the self-occupation or self-use. However, the counsel for the complainant has thrown light on clause 36 of		



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HARYANA REAL ESTATE REGULATORY AUTHORITY
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New PWD Rest House, Civil Lines, Gurugram, Haryana

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

the buyers' agreement which categorically states that all the previous understandings, agreements are superseded on the execution of this agreement and at this stage the clause of the booking application form cannot be relied with.

Arguments heard. Both the parties may file brief written submissions within next 3 weeks.

Matter to come up on 07.11.2024 for pronouncement of orders.

V.I - 5
Vijay Kumar Goyal
Member
12.09.2024