



HARERA
GURUGRAM

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		68 to 77
Day and Date	Tuesday and 11.03.2025	
Complaint No.	CR/2292/2023 Case titled as Neeraj Chaudhary and Monia Chaudhary VS BPTP Limited	
Complainant	Neeraj Chaudhary and Monia Chaudhary	
Represented through	Complainant in person with Shri Sanjeev Kumar Sharma Advocate	
Respondent	BPTP Limited	
Respondent Represented	S/Shri Venket Rao and Gunjan Kumar Advocates	
Last date of hearing	28.01.2025	
Proceeding Recorded by	Naresh Kumari and HR Mehta	
Proceedings		
The present complaint has been received on 25.05.2023 and the reply on behalf of respondent no. 1 (BPTP Limited) was received on 06.02.2024. Respondent no. 2 (Countrywide Promoters private limited) failed to put in appearance before the authority and also failed to file any written reply. Vide order dated 28.01.2025, the matter was proceeded ex-parte against respondent no. 2. The counsel for the complainant states that the affidavit submitted by the respondent is not in terms of the details that were asked for by the complainant in the proceedings dated 22.10.2024. The complainant present in person states that the subject units were allotted under 90:10 scheme wherein 10% of the amount was to be paid at the time of possession. However, the respondent clandestinely, without informing the complainant allegedly cancelled the unit on 03.01.2020 and made a settlement with the Bank and further created third party rights in the unit after the present complaint was filed. The complainant is now seeking DPC along with possession. He further states that there was no default on the part of the complainant till the time of cancellation.		



HARERA
GURUGRAM

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

The counsel for the complainant further states that no Buyer Agreement has been executed till date. On contrary, the counsel for the respondent states that BBA has been executed on 05.03.2015 and has been annexed in the reply as per annexure (R-3).

The counsel for the respondent no. 1 states that since the complainants failed to pay EMIs in terms of their loan agreement(s) & tripartite agreement(s) to the lender, the complainants were declared as non-performing assets ("NPA") on 01.02.2018 by the lender. Thereafter, the lender initiated proceedings under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, against the complainants.

The counsel for the respondent further states that after cancellation of the unit, the respondent no. 1 had forfeited 10% of the total sale consideration along with the interest due and the remaining amount was payable to the lender and not to the complainants. That to recover the amounts payable, the lender then filed a case under Section 19 of the Recovery of Debt and Bankruptcy Act, 1992 (hereinafter referred to as the "RDB Act") titled as ***Pheonix ARC Pvt. Ltd. vs BPTP Limited & Ors.*** bearing original application no. 112 of 2020 before the Hon'ble Debt Recovery Tribunal - 2, Delhi (hereinafter referred to as the "DRT"). The complainants were defendant's no. 3 and 4 in the said Original Application No. 112 of 2020. During the pendency of the proceedings before the Hon'ble DRT, the Lender and respondent no.1 entered into an **agreement dated 24.03.2023** to settle the dues with respect to all the Units originally allotted to the complainants. As per the terms of the agreement dated 24.03.2023, the respondent no.1 refunded the entire financial loan amount of Rs.8,85,00,000/- to the lender as full & final settlement amount. The lender then issued **No Objection Certificates** to respondent no.1 for releasing the units and accordingly, respondent no.1 again obtained possession of the units under the SARFAESI Act. In terms of the said agreement between the lender and respondent no.1, the original application no. 112 of 2020 was disposed of by the Hon'ble DRT vide Order dated 29.12.2023.

Further states that the complainants are habitual forum shoppers. They have filed multiple complaints/applications before different judicial forums to agitate on the same issue and the same cause of action. Also, the complainants are parties to all the complaints that have been filed by the Lender to recover their claims and having due knowledge of all the litigations.



HARERA
GURUGRAM

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

The counsel for the complainant states that the respondent company has not informed w.r.t. proceeding initiated in DRT. However, the counsel for the respondent states that as per notice dated 03.01.2020 already sent to the complainant (Annexure R-10 page 160 to 169 of reply).

The respondent has raised the issue of DRT proceedings that the DRT proceedings are pending regarding the present transaction. The complainant has informed during the preceding that the case filed by the lender/NBFC before DRT has been withdrawn on 29.12.2023, the same was also not mentioned in the order dated 20.08.2024. Proceedings are going on in the DRT in original application no. 112 of 2020 in which the complainant is also party where ARC has filed case for recovery.

Arguments heard.

Order reserved.

Parties may file brief written submissions within a period of 3 weeks with an advance copy to each other.

Matter to come up on 20.05.2025 for pronouncement of order.

Ashok Sangwan
Member

Arun Kumar
Chairman
11.03.2025

Vijay Kumar Goyal
Member