



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

Day and Date	Friday and 11.10.2019
Complaint No.	CR/2397/2018 Case titled as Mr Sandeep Sahanan And Sh Krishan Kumar Sahanan V/S Ansal Housing And Construction Limited
Complainant	Mr Sandeep Sahanan And Sh Krishan Kumar Sahanan
Represented through	Ms Priyanka Aggarwal Adv
Respondent	Ansal Housing And Construction Limited
Respondent Represented through	Ms Meena Hooda, Adv
Last date of hearing	6..9.2019
Proceeding Recorded by	S L Chanana

Proceedings

Though an amended complaint has already been filed but the amended reply was not filed within the stipulated period. The same has been filed today with copy to the other side.

2. Besides this matter some other connected matters numbering 28 were pending before the Ld Authority on 27.03.2019 and following observations were made:

- (i) That the project is not registered as a result of which notice under section 59 of the Real Estate (Regulation & Development) Act, 2016, for violation of section 3(1) of the Act has already issued by the registration branch.
- (ii) The license of the builder/promoter/respondent is not renewed as on date which is again a serious matter.

An Authority constituted under section 20 the Real Estate (Regulation and Development) Act, 2016
Act No. 16 of 2016 Passed by the Parliament

भू-संपदा (विनियमन और विकास) अधिनियम, 2016 की धारा 20 के अंतर्गत गठित प्राधिकरण
भारत की संसद द्वारा पारित 2016 का अधिनियम संख्यांक 16



- (iii) No escrow account has been opened to show the bonafide of the builder in order to indicate his sincerity and truthfulness to complete the project. The builder is directed to open an escrow account today itself and submit the details of the said account mentioning therein how much amount the respondent had collected from the buyers in that account.
- (iv) The respondent is directed to get his registration renewed within one month of passing of this order failing which it will be presumed that respondent does not intend to complete the project and the project will be treated to have been abandoned and authority shall be at liberty to order refund of the amount received from the complainant alongwith prescribed rate of interest i.e. 10.75% per annum.
- (v) However, all the complainants are entitled to get late delivery possession charges at prescribed rate of interest i.e. 10.75% per annum till the actual date of physical possession offered to them.
- (vi) The affidavit dated 27.3.2019 submitted by the counsel for the respondent is not on the stamp paper. Para No.4 of said affidavit is re-produced as under:-

“That the construction of the project is in full swing and the promoter are endeavoring there best to deliver the tower number H and I in the month of August, 2019, well before the date of possession given before RERA”.(i.e. December, 2021).

Respondent is directed to submit an affidavit on stamp paper duly signed by the authorized signatory of the respondent. Affidavit should completely mention the tower wise completion of the project. It seems that the builder is not serious w.r.t. completion and delivery of project and he is taking every body for a ride and guaranteed.



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Name of the project shall be delivered in August 2019.

Case is adjourned to 9.5.2019 for filing complete documents as well as registration certificate and affidavit regarding renewal of license. The Director of the Company/ duly authorized representative who signed the affidavit shall come present before the authority on the date fixed i.e. 9.5.2019.

3. It is not evident that the order passed by the Ld. Authority on that date has been complied with by the respondent or not.

4. It is stated on behalf of the respondent that the matter be put up for settlement. Though this prayer of the respondent is opposed but there are remote chances of settlement between the parties, then adjournment should be allowed.

5. Let the matter be put up on 04.11.2019 at 12.00 p.m in the chamber for settlement.

6. The respondent through its counsel is directed to produce some responsible person well conversant with the facts of the case as well as the order dated 27.03.2019 passed by the Ld. Authority so that chances of settlement may be explored and failing which the matter shall be taken up and decided on the basis of documents available on record.

7. Let the matter be put up on 4.11.2019 at 12.00p.m.


(S.C.Goyal)
Adjudicating Officer,
11.10.2019