



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		19
Day and Date	Thursday and 28.07.2022	
Complaint No.	CR/2410/2021 Case titled as Vikas Kumar V/s M/s Landmark Apartments Pvt. Ltd.	
Complainant	Vikas Kumar	
Represented through	Ms. Shikha Garg proxy counsel	
Respondent	M/s Landmark Apartments Pvt. Ltd.	
Respondent Represented	Ms. Shriya Takkar Advocate	
Last date of hearing	Received by transfer from A.O.	
Proceeding Recorded by	Naresh Kumari and HR Mehta	
Proceedings		
The counsel for the respondents states at bar that the occupation certificate for Tower/block of the project where the unit of the allottee is situated has been received from DTCP on 25.09.2020 and a copy of the same was placed on record. However, it was vehemently denied by the counsel of the complainant that OC received from the DTCP is only in respect of Tower-A while the unit of the complainant is situated in Tower B for which no OC has been obtained. However, in the allotment letter, there is no mention of any particular tower and only A,B and C is mentioned before the unit number and thus is not clear. However, it was clarified by the counsel for the respondent that OC has been obtained in respect of the unit of the allottee/complainant and is ready for possession who may come forward for taking the same after paying the outstanding amount after adjustment of delayed possession charges and seeks time for filing of an affidavit of the respondent certifying the obtaining of the OC w.r.t. unit of the complainant. It came to the notice of the authority that the project is not yet registered and hence neither the details of the units available in the project nor the details of having obtained OC are available with the authority which is in violation of section 3 of the Act 2016 and the respondent is liable for penal action under section 59 of the Act, 2016 ibid.		

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



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CR/2410/2021

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The counsel of the respondent submitted that the promoter had applied for registration of the project but the same was rejected by the authority and that units to the complainant/allottee were sold prior to coming into force of RERA Act, 2016 and that no sales have been made after the rejection of the registration.

The position is not clear as in which tower the unit under reference was allotted and whether it falls in the area for which OC has been granted. The counsel for the respondent is directed to submit list of the allottees tower-wise and block-wise and unit wise. The project is not registered even now. Even if the application was rejected, the promoter is directed to give list of steps he has taken to complete the deficiencies in the application for registration and why registration was not applied again after it was rejected.

Matter to come up on 09.11.2022 for further proceedings.

V.I. - 2

Vijay Kumar Goyal
Member

[Signature]

Dr. KK Khandelwal
Chairman
28.07.2022