



HARERA
GURUGRAM

**HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM**

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New PWD Rest House, Civil Lines, Gurugram, Haryana

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

PROCEEDINGS OF THE DAY		11
Day and Date	Thursday and 12.09.2024	
Complaint No.	CR/2511/2023 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	Sh. 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 buyers' agreement dated 08.06.2016 was executed inter se parties and clause 11 and 12 of the same deals with handing over of possession and no where in the entire agreement, the words constructive possession been used. The respondent vide email dated 15.05.2019 intimated the complainants that since RERA has come into force, the registration of agreement to sale as per RERA has been scheduled and subsequently another agreement dated 28.05.2019 got executed between the parties. The counsel for the complainant alleges that the second buyers' agreement is neither a RERA compliant agreement nor is in consonance with the sample agreement submitted by the builder at the time



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of registering the subject project. Also, in the second agreement the respondent has changed the major clauses and replaced the word "possession" by "constructive possession".

The counsel for the respondent states that the second agreement has been executed inter se parties and clauses of the same shall be relied with in the present case.

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.1-3
Vijay Kumar Goyal
Member
12.09.2024