



HARERA
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HARYANA REAL ESTATE REGULATORY AUTHORITY
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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		35
Day and Date	Tuesday and 17.09.2024	
Complaint No.	MA NO 255/2024 in CR/2794/2023 Case titled as Santosh Kumari and Om Singh VS Ansal Housing And Construction Limited & Samyak Projects Pvt Ltd. & MNC Probuild Pvt Ltd.	
Complainant	Santosh Kumari and Om Singh	
Represented through	Complainant in person with Shri Harshit Batra Advocate	
Respondent	Ansal Housing And Construction Limited & Samyak Projects Pvt Ltd. & MNC Probuild Pvt Ltd.	
Respondent Represented through	None for respondent No.1 & 3 Shri Shanker Wig Adv. for R2	
Last date of hearing	Application u/s 36 of the Act/02.08.2024	
Proceeding Recorded by	Naresh Kumari and HR Mehta	
Proceedings The present complaint was filed on 16.06.2023 and reply on behalf of respondent no. 1 was filed on 16.11.2023. No reply has been filed by respondent no. 3 till date. Respondent no. 2 has filed short affidavit along with application under O7 R-11 dated 15.05.2024. The respondent no. 2 filed application under O7 R11 CPC, 1908 on 15.05.2024 wherein it stated that there is no privity of contract between respondent no. 2 and the complainants as the BBA was executed between respondent no. 1 and the complainants only therefore, there lies no liability of respondent no. 2 with respect to delivering the possession of the unit being allotted by respondent no. 1 vide BBA dated 11.12.2014. (Note: The BBA dated 11.12.2014 was executed between complainants and the respondent no. 1 but respondent no. 2 has also signed the BBA as the confirming party) On 02.02.2024 the respondent no. 2 was directed not to cancel the unit of the		



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New PWD Rest House, Civil Lines, Gurugram, Haryana नया पी. डब्ल्यू. डी. विश्राम गृह, सिविल लाईंस, गुरुग्राम, हरियाणा

allottee.

The respondent no. 2 on 10.09.2024 filed an application regarding clarification of relief sought by the complainants wherein it is stated that the complainants be directed to clarify as against whom the relief of DPC and possession has been sought. Also, the remaining payment has to be made to respondent no. 1 or 2.

The counsel for the respondent states that the respondent does not wish to cancel the unit of the complainant and is ready to hand over the same subject to payment of dues as per agreement dated 13.02.2018. The unit shall not be cancelled till next date of hearing as OC of the project is not yet received and once a valid offer of possession after obtaining OC is made, the allottee is under obligation to make the payment in terms of agreement already executed.

Matter be put up before the full bench on 26.11.2024 for further proceedings.

Ashok Sangwan
Member

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Vijay Kumar Goyal
Member
17.9.2024