

PROCEEDINGS OF THE DAY
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Day and Date	Thursday and 27.03.2025
Complaint No.	CR/2919/2023 Case titled as Heminder Gill VS Solutrean Buildings Technologies Private Limited and Others
Complainant	Heminder Gill
Represented through	Shri Rahul Malik Advocate
Respondent	Solutrean Buildings Technologies Private Limited and Others
Respondent Represented	S/Shri Rishi Gujral and Ms. Chahat Arya Advocates
Last date of hearing	20.03.2025
Proceeding Recorded by	Naresh Kumari and HR Mehta

Proceedings

The counsel for the respondent submits that the unit was cancelled after issuing proper reminders and providing sufficient opportunities over approximately 4.5 years after the offer of possession to clear the outstanding dues. The respondent also states that the occupation certificate for the project is obtained and is not an ongoing project in terms of Section 3 of the Act, 2016. Additionally, the project was not registered with the Authority, as per the directions of the Authority in CR-8118-2022.

On the other hand, the counsel for the complainants submits that the original allottee now deceased booked two units in the respondent's project way back in the year 2013 and had paid more than the basic sale consideration as per BBA. Thus, there is no question of the complainant's credibility in taking possession offered after a delay of year. The complainants also contend that the respondent has demanded an unjustified amount of Rs. 17 lakhs and no

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adjustment on account of delay has been made. They have repeatedly approached the respondent to transfer the unit in the name of the legal heirs and to adjust the delay period interest due to the respondent's failure to offer possession on time. However, the respondent has neither initiated the transfer process nor adjusted the delay period interest. As a result, the complainants were compelled to send a legal notice dated 25.09.2020 in response to the cancellation letter issued on 24.08.2020. In the notice, they requested the respondent to adjust the delay period interest and provide the necessary documentation for the transfer. The counsel for the complainants also objected to the short timeline of just 10 days given for payment of outstanding dues which were without the adjustment of delay period interest.

Furthermore, the respondent's counsel argued that third-party rights had already been created on the subject unit, as the complainants failed to make the outstanding payments despite waiting for a long period. Therefore, the unit cannot be reinstated and no other unit is available with the respondent. In response, the complainants' counsel objected, asserting that third-party rights were created after the filing of the present complaint. They requested the Authority to direct the respondent to consider cancellation invalid and reinstate the unit or provide a similar one. If no similar unit is available, the complainants are ready to accept the full refund of the paid-up amount along with interest.

Submissions Heard.

The Authority considers the cancellation of the unit unjustified and is therefore set aside. The documents submitted by the respondent on 25.03.2023 show that the conveyance deed for the subject unit in favor of a third party was executed in 2023 after filing of instant complaint. However, the respondent never informed the Authority nor the complainants during the proceedings that it was in the process of creating third-party rights.



HARERA
GURUGRAM

HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम
CR/2919/2023

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

Accordingly, the respondent is directed to either offer an alternative unit of the same size and on same sale consideration as per the builder buyer agreement alongwith delayed period interest, if available, or refund the entire paid amount to the complainants along with interest at the prescribed rate of 11.10% per annum from the date of each payment until full realization.

Detailed order will follow. Matter stands disposed of.

V. I. 3
Vijay Kumar Goyal
Member
27.03.2025