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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. विभाग गृह, सिविल लाईंस, गुरुग्राम, हरियाणा

PROCEEDINGS OF THE DAY		14
Day and Date	Friday and 10.03.2023	
Complaint No.	CR/3433/2020 Case titled as MANISHA ARORA Vs IREO PRIVATE LIMITED	
Complainant	MANISHA ARORA	
Represented through	Shri Kuldeep Tyagi proxy counsel for Shri D.K. Dakoria Advocate	
Respondent	IREO PRIVATE LIMITED	
Respondent Represented	Shri M.K. Dang Advocate	
Last date of hearing	24.02.2023	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings

The present complaint has been received on 16.10.2020 and the reply on behalf of respondent has been received on 22.03.2021.

The counsel for the complainant states that the complainant booked a unit in the project of the respondent on 04.04.2012 and has paid an amount of Rs.4,53, 25,280/- against a total sale consideration of Rs.4,55,43,910/-. The due date for handing over of possession was 17.05.2016 and possession has not been offered till date. The complainant is seeking refund of full amount deposited alongwith interest at the prescribed rate.

The counsel for the respondent states that as per terms of allotment, the unit was to be provided to the complainant in bare shell condition and the internal work was required to be done by the complainant himself as per clause - E of the BBA at page 33 of the complaint. As per CR No.5976 of 2019 decided on 25.02.2020 the authority has decided the due date of offer of possession as 26.12.2017 in the same project. Vide email dated 20.01.2017, the respondent invited the complainant to start interior work in the apartment allotted. However, the complainant never came forward to take possession for carrying out the fitments. The respondent applied for OC on 24.09.2018 and response was received from the DTCP to the effect that



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building was incomplete but the department had no objection in getting the fitments/fixtures done either by the colonizer or by the allottee. Another email dated 22.08.2019 was sent to the complainant to get the fitments completed. However, the complainant responded vide email dated 06.09.2019 stating that the complainant does not wish to invest any further money in the apartment and requested for the occupation certificate before they furnished the apartment. O.C was granted on 29.06.2022 and email to this effect was sent to the complainant on 11.07.2022. However, complainant has not come forward to take possession. The counsel for the respondent cites an order dated 14.10.2022 (IB-239/IND/2021) of the NCLT in which a number of allottees had approached the Tribunal in support of their contention.

Arguments heard.

If the parties wish to file written submissions, they may file the same within 15 days with an advance copy to each other.

Order reserved.

Matter to come up on 23.05.2023 for pronouncement of order.

Ashok Sangwan
Member
10.03.2023