



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		3
Day and Date	Friday and 07.02.2025	
Complaint No.	MA NO. 57/2025 in CR/4378/2023 Case titled as Gaurav Gupta VS ISHV Realtores Private Limited	
Complainant	Gaurav Gupta	
Represented through	Shri Hemant Phogat Advocate	
Respondent	ISHV Realtores Private Limited	
Respondent Represented	Ms. Sanya Arora Advocate	
Last date of hearing	Appl. u/s 36 of the Act/08.11.2024	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings

The present complaint has been received on 03.10.2023 and the reply on behalf of the respondent no. 2 to 8 was received on 21.03.2024. However, no reply on behalf of respondent no.1 has been received till date.

The arguments in the present matter were heard on 08.11.2024 and the same was reserved for pronouncement of order for 07.02.2025. In the meanwhile, an application under section 36 was filed by the complainant on 24.01.2025 wherein it is stated as under:

- That the complainant booked an office space/showroom no. 63 situated at ground floor admeasuring 1278 sq. ft. @ Rs. 9250 sq. ft. for a total sale consideration of Rs. 1,29,87,675/- out of which the complainant paid an amount of Rs. 35,82,915/-. The BBA was executed between the parties on 07.02.2014. As per the clause 15 of the BBA, the respondent was under obligation to deliver the possession of the subject unit within 4 years from the date of execution of builder buyer's agreement.
- That after the execution of BBA, the complainant came to know that no construction was going on the location and the respondent avoid any form



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MA No. 51/2025 In CR/4378/2023

New PWD Rest House, Civil Lines, Gurugram, Haryana

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of communication with the complainant. After that the complainant sent a legal notice on 24.01.2019 to the respondent for seeking refund of the amount paid in respect of the unit and registered FIR against the builder u/s 420/406/120-B/34 IPC. After the registration of FIR, the respondent approached the complainant for settlement and conveyed the complainant that they could not start the construction of the project as they revised the building plans of the project and will soon start the construction.

- Thereafter, the respondent entered into a settlement agreement dated 19.08.2020. By virtue of the said settlement agreement, three alternative units were allotted to the complainant at the lower ground floor due to revised building plan. The respondent had got its license renewed from the competent authority on 26.07.2021.
- That in the month of January 2025, the complainant approached the respondent for the issuance of allotment letter in respect of the unit no. LG-15 allotted to him as per the settlement agreement dated 20.08.2020 but the respondent totally denied issuing the allotment letter against the said unit and further pressurized the complainant to take alternative unit on the first floor.
- That the complainant has a strong apprehension that the respondent may sale or transfer or create third party right in respect of his unit at lower ground floor.
- That the complainant is seeking interim direction to restrain the respondent no. 1 from cancelling and creating any third party right in respect of his unit.

The respondent requested for an adjournment for submitting the reply to the application filed by the complainant under section 36 of the Act.

That the counsel for the respondent argued that due to the change of layout plan, the specific unit allocated to the complainant vide the settlement agreement is not available and the respondent is ready to offer a new unit to the complainant on first floor.

Arguments on application heard.

It is pertinent to mention here that the Act mandates that the Authority shall deal with the complaints as expeditiously as possible and shall dispose of the



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MA No. 57/2025 in CR/4378/2023

New PWD Rest House, Civil Lines, Gurugram, Haryana

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same within a period of sixty days from the date of receipt of such application/complaint and in case the time period is not adhered to, the Authority shall record the reasons in writing. The legislative intent for the said enactment is to provide speedy summary trial of the complaint filed by the complainant. The spirit and object of the benevolent legislation will be frustrated and defeated if the complaints filed are not disposed of expeditiously. The present matter is pending for more than 1 years. The pleadings are complete, there is no justification in adjourning the proceedings anymore.

The authority observes that the buyer's agreement executed between the complainant and the respondent was superseded by the settlement agreement executed inter se parties. Thus, by virtue of the settlement agreement dated 20.08.2020, the respondent is under an obligation to allot the unit bearing no. LG-15 at lower ground floor. In view of the above submissions, the respondent is directed to allot the unit bearing no. LG-15 to the complainant as per the settlement agreement dated 20.08.2020 and is further directed not to create any third party right against the unit bearing no. LG-15.

The application u/s 36 of the Act stands disposed of accordingly.

Further the respondent no.1 is directed to pay interest to the complainant(s) against the paid-up amount at the prescribed rate of 11.10% p.a. for every month of delay from the due date of possession i.e., 07.02.2018 till valid offer of possession plus 2 months after obtaining occupation certificate from the competent authority or actual handing over of possession, whichever is earlier, as per section 18(1) of the Act of 2016 read with rule 15 of the rules.

Matter stands disposed off. Detailed orders will follow. File be consigned to the registry.


Arun Kumar
Chairman
07.02.2025