

PROCEEDINGS OF THE DAY		84
Day and Date	Tuesday and 01.04.2025	
Complaint No.	CR/4554/2021 Case titled as Deepak Gupta VS Elan Buildcon Private Limited	
Complainant	Deepak Gupta	
Represented through	Shri Sukhbir Yadav Advocate	
Respondent	Elan Buildcon Private Limited	
Respondent Represented	Shri Ishaan Dang Advocate	
Last date of hearing	25.03.2025	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings

The complainants are seeking delayed possession charges, withdraw the illegal demands and to provide calculation of carpet area and common area on the subject shop.

The counsel for the complainant draws attention towards three e-mails submitted on 12.10.2023, which were exchanged with the respondent requesting for supplying the details along with justification for increase in the carpet area/super area viz-a-viz the area mentioned in the allotment letter/MoU. The authority had also directed the respondent to supply the copy of original sanctioned plan, revised sanctioned plan along with a chart in tabular form showing the changes in the area from the earlier approved plan. Further states that no date has been inscribed on the so called revised plan and also points out that the revised plan contain major changes including mezzanine floor. It may also be verified from the record of the Authority. Further, the super area of the unit of the complainant has also increased by more than 26%.

The counsel for the respondent states that the complainant has never raised any objection to the increase in super area in accordance with clause 31 of the BBA



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 लाईन्स, गुरुग्राम, हरियाणा

on receipt of offer of possession dated 7.9.2021. Further, the counsel for the respondent draws attention towards clause 10 of the BBA dated 4.11.2017 the company shall offer of the possession to the allottees on applying of OC with the competent authority.

The OC was applied by the respondent on 09.06.2021 and offer of possession for fit out on 7.09.2021 alongwith outstanding dues as agreed at the time of execution of BBA as per clause 17 to 20. However, the counsel for the complainant contended that the respondent company has obtained the OC only on 15.03.2023 from the competent authority and offer the possession on 22.03.2023. On the contrary the counsel for the respondent states that as per clause 18 of the BBA, the applicant agrees to abide by the terms and conditions as provided in the application form and signed by the applicant and also to the terms and conditions as may be set out in the BBA.

Arguments heard.

Order reserved.

Parties may file brief written submissions within a period of 2 weeks with an advance copy to each other.

Matter to come up on **08.07.2025** for pronouncement of order.

Ashok Sangwan
Member

Arun Kumar
Chairman
01.04.2025

Vijay Kumar Goyal
Member