

PROCEEDINGS OF THE DAY

Day and Date	Tuesday and 19.01.2021
Complaint No.	CR/4559/2020 Case titled as Praveen Garg VS S BPTP Limited
Complainant	Praveen Garg
Represented through	Shri Abhijeet Gupta Advocate
Respondent	BPTP Limited
Respondent Represented through	Shri Venket Rao, Advocate
Last date of hearing	First hearing
Proceeding Recorded by	Naresh Kumari, HR Mehta

Proceedings

There are 121 cases listed today and in all these cases BPTP Ltd. is the respondent. These cases relate to three projects, namely, Spacio (95 cases), Terra (22 cases) Centra One (2 cases) and Park Prime (2 cases). Out of these 121 cases, reply has been filed in the following 22 cases:-

(in 13 cases of project Spacio) bearing CR No.561/2019, CR 4308/2019, CR 6791/2019, CR 290/2020, CR 285/2020, CR 288/2020, CR 291/2020, CR 289/2020, CR 3378/2020, CR 3348/2020, CR 3380/2020, CR 2823/2020, CR 2665/2020.

(in 5 cases of Project Terra) bearing CR 2391/2019, CR 2392/2019, CR 3258/2019, CR 706/2020, CR 2927/2020,

(in 2 cases of Project Centra One) CR 419/2019 and CR 2274/2019

(in 2 cases of Project Park Prime) CR 2889/2020 and CR 3001/2020

It is informed by the Registry that service in the cases where reply has not been filed is complete. The counsel for the respondent intimated that in one CR No.3365 of 2020 they have not received any copy of the complaint either from the complainant or from the Registry. The counsel for the complainant has made a statement that he has a proof that service is complete. The Assistant Registrar is directed to conduct an enquiry whether the service is complete or not. But for the sake of at least now for furnishing reply by the respondent, copy of complaint be handed over to the counsel for the respondent by the counsel for the complainant.

The counsel for the respondent further submitted that they have filed reply in 27 cases whereas Registry is showing that reply is filed only in 22 cases. Regarding these 5 cases, proof shall be submitted by the respondent and an additional copy be made available to the Registry within 3 days.

With a view to enforce discipline regarding filing reply, the authority decided to impose penalty of Rs.10,000/- in each case where complaint was filed prior to month of October 2020 and reply has not yet been filed. The respondent is directed to file reply within 15 days as has been committed by the counsel for the respondent otherwise they will be liable to a penalty of Rs.25,000/- in each case.

The promoter is also directed to file on affidavit information relating to following:-

- i) The nomenclature of unit numbers used in approved building plans and occupation certificate is at variance with the nomenclature used for marketing. The respondent in the replies filed so far has not clarified the position regarding respective towers named as Tower M, Tower N, Tower P, Tower Q, Tower L, Tower K etc. It is so confusing that nothing can be made out from the documents filed whether the occupation certificate for the towers in subject-matter cases has been obtained. This should have been informed to the



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

allottee much prior to obtaining occupation certificate based on the approved building plans.

- ii) The promoter to submit attested copies of documents submitted to the department alongwith application for obtaining occupation certificate and subsequently to attend observations raised by the competent authority.
- iii) The deed of declaration and documents filed in compliance of provisions of Haryana Apartment Ownership Act, 1983 in respect of each such concern deed of declaration where the unit of the complainant is covered.
- iv) A consolidated statement of unit wise details of super area, carpet area at the time of booking or original building plans approved and at the time of offering possession and justification.
- v) The details of charges demanded from the allottees which are not part of Builder Buyer Agreement alongwith justification.
- vi) The details of charges demanded from the allottees which have been disputed, the reason and justification of such demands.
- vii) The occupation certificate in respect of Towers K, L, N (as per occupation certificate Tower 8, 9 and 11 and EWS Block A & B) was obtained on 30th July 2020 vide No.ZP-437-Vol.II/JD (AS)/2020/13344 and in respect of towers M, P, Q (as per occupation certificate Tower 10,12,13 and EWS Block-B balance units) on 15th January 2021 vide No.ZP-437-Vol.III/AD (RA)/2020/890. The promoter is duty bound to offer possession within two months of obtaining occupation certificate but in some cases it has not been done, the reasons be given by the promoter.

viii) The copy of occupation certificate received in respect of Towers where the units in the complaints are situated be also submitted.

ix) The detailed justification of various parameters included in the cost escalation either taken from CPWD sources or from the internal documents of the promoter be submitted.

CR No.3845/2020, CR 3844/2020, CR 3846/2020, CR 2927 of 2019 and CR 3948 of 2020 pertain to refund, hence these complaints be transferred to Adjudicating Officer and the next date of hearing will be notified by the Registry.

Some of the allottees have brought to the notice of the authority that their units have changed unilaterally without their consent which is mandatory requirement under section 14 of the Real Estate (Regulation and Development) Act, 2016.

The counsel for the complainants were asked to submit their detailed arguments in respect of the relief sought by the complainants in their complaints.

Matter to come up on **24.02.2021**.


Samir Kumar
(Member)


Dr. K.K. Khandelwal
(Chairman)
19.01.2021