

PROCEEDINGS OF THE DAY		4 & 5
Day and Date	Tuesday and 11.07.2023	
Complaint No.s	CR/4792/2021 Case titled as Veena Gupta Vs AKME projects limited & Grand Star Reality Private Limited	
	CR/4793/2021 Case titled as Sikha Gupta and Sunita Rani Vs AKME projects limited & Grand Star Reality Private Limited	
Complainant	Veena Gupta	
Represented through	Shri Vijender Parmar	
Respondent	1. AKME Projects Limited 2. Grand Star Reality Private Limited	
Respondent Represented through	Shri Rajat Kadiyan Advocate for R1 Shri J.K. Dang Advocate for R2 (POA filed today)	
Last date of hearing	24.05.2023	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings

The complainant has approached the Authority seeking relief of possession and delay possession charges. The complainant re-stated the trails of transactions: -

- The complainants booked the subject unit in 2011 and that fact that the said project was mortgage with the YES Bank by respondent no. 1 i.e. Akme Projects Limited ("R1") was not disclosed to them.
- Due to continuous defaults on part if R1 it was declared as NPA and as a result, the said project in view of SARFAESI Act, 2002, the said project was



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हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

CR 14/192/2021

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

sold to respondent no. 2 i.e. Grandstar Realty Private Limited ("R2") wherein as per sale notice, the said project (specifically details of assets provided as annexure A) , R2 was required to deposit the administrative charges regarding change of developer.

- Reference to page no. 71, 88 of complaint was made wherein making reference to relevant paras of sale confirmation dated 17.06.2016.
- However, the aforesaid transaction was challenged by R1 before DRT IN 2017 to which R2 was also one of the party. Meanwhile, in 2018, R1 went under Corporate Insolvency Resolution Process vide orders. The said application was dismissed vide order dated 07.01.2020 of DRT. (Reference was made to page no. 103 & 107 of complaint).
- The aforesaid order of DRT was challenged by R2 before DRAT and the same was again dismissed by vide order dated 07.06.2021.
- The complainants further submitted that the R1 is under insolvency and there is no stay on construction by DRT/DRAT. The complainants are left with no other option but to approach the Authority for seeking relief of possession and DPC.

The respondent no. 2 i.e. Grandstar Realty Private Limited ("R2") raised following objections: -

- R2 is neither a developer nor a promoter, and hence no complaint can be instituted against the same. It further submitted that the subject unit was purchased by complainant from R1 and they have admittedly entered into an agreement with R1 for purchase of subject unit and hence, there is no privity of contract between complainants and R2. They are strangers to R2.
- The claims of the complainant are already pending before IRP as R1 is under insolvency before NCLT.
- R2 entered into the transaction to earn profit and thus, paid 41 crores for purchase of said project. Why would it purchase a project whose license has already been expired and if known of the circumstances that renewal of license and taking registration would cost another burden to it. It was fault of the departments which concealed relevant facts and entangled the R2. They concealed various facts that the land is under dispute and already



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CBI enquiry was going on against the land. Further, there was stay on construction for period of April 2015 to 2018 and 2020 to 2022; as final clarification w.r.t. **Rameshwar & ors. Vs state of Haryana and ors. CA 8788 of 2015** was bought in 2022 only.

- Further, even if desired it couldn't proceed with getting required license as there were various circumstances beyond the control of R2 from 2015-2020. Further, it was in year 2022, when position with regard to Rameshwar Case was clarified. Hence, in view of aforesaid circumstances, no relief should not be granted against it

Arguments heard.

Order Reserved. Detail order will follow.


Sanjeev Kumar Arora
Member


Ashok Sangwan
Member


Vijay Kumar Goyal
Member
11.07.2023