



HARERA
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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

S-5

Day and Date	Tuesday and 31.05.2022
Complaint No.	CR/5152/2021 Case titled as Neeraj Bhagat and Ors. V/s Manglam Multiplex Private Limited
Complainant	Neeraj Bhagat and Vandana Bhagat
Represented through	Sh. Vivek Kishore Advocate
Respondent	Manglam Multiplex Private Limited
Represented through	Ms. Shriya Takkar Advocate
Last date of hearing	20.04.2022
Proceeding Recorded by	Naresh Kumari and HR Mehta

Proceedings

The complainants were allotted a unit no. R5 LG23 on lower ground in block 5 admeasuring 1120.36 sq. ft. in the commercial project of the respondent namely "M3M 65TH AVENUE" and subsequently, a buyer's agreement dated 18.07.2019 was executed inter-se parties. The total sale consideration of the unit was Rs.2,66,80,253/- as per page no. 35 of the complaint and as per payment plan annexed with the BBA the total sale consideration comes out to be Rs.2,99,28,065/-, the complainants have paid an amount of Rs. 1,26,48,562/- (as per statement of accounts at page 86 of the complaint) towards consideration of allotted unit which is 48% of the total sale consideration. The respondent vide letter dated 25.11.2021 issued a pre cancellation letter (as per page no. 114 of the complaint) against the subject unit of the complainants on account of non-payment of the demand for balance dues. Further a cancellation notice dated 10.12.2021 was issued to the complainants within 40 days from the offer of possession. Although the respondent offered the possession of the unit on 25.10.2021 followed by statement of accounts.



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The complainants have filed an application u/s 36 on 17.02.2022 and the authority vide its orders dated 02.03.2022, **directed the respondent not to create any third-party rights on the unit till the next date of hearing. Further, the complainants were also directed to pay the "undisputed amount" within 15 days to the respondent. i.e. by 16.03.2022. The complainants have not come forward to make payment of undisputed dues nor has taken the possession of the allotted unit. It is pertinent to note that the interim stay was only till next date of hearing fixed for 20.04.2022.**

Now the respondent has filed an application on 16.05.2022 seeking early hearing and vacation of stay order issued by the authority vide interim order dated 02.03.2022 wherein the respondent builder contended that he is suffering irreparable financial loss as the complainants have failed to comply with the orders dated 02.03.2022.

In compliance of the order of the authority dated 02.03.2022, the complainants have not paid even undisputed amount to the respondent till date nor came forward to take possession of the unit. Hence, the stay granted with respect to not to create third party rights is vacated. Further, the complainants are now requesting that LC be appointed as the unit offered by the respondent still has deficiencies. The counsel for the respondent disputed the same on account that the occupation certificate of the unit has already been obtained from the competent authority way back on 30.09.2021 and offer possession of the unit on 25.10.2021. But the allottees are not coming forward for taking the possession of the unit on one pretext or another. However, if the complainants allottees still wishes for inspection by LC, they may submit an application separately for appointment of LC by specifically pointing out the deficiencies after serving an advance copy to the respondent.

Matter to come up on 03.08.2022 for further proceedings.

V.I-3
Vijay Kumar Goyal
Member

Dr. KK Khandelwal
Chairman
31.05.2022