



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

110 to 186

Day and Date	Friday and 26.07.2024
Complaint No.	CR/5973/2023 Case titled as Yuvraj Arora and Vivek Arora VS Ramprastha Estate Private Limited & Ramprastha Developers Private Limited & Ramprastha Promoters and Developers Private Limited
Complainant	Yuvraj Arora and Vivek Arora
Represented through	Ms. Surbhi Garg Bhardwaj, Advocate
Respondent	Ramprastha Estate Private Limited & Ramprastha Developers Private Limited & Ramprastha Promoters and Developers Private Limited
Respondent Represented through	Shri Divyansh, proxy counsel
Last date of hearing	31.05.2024
Proceeding Recorded by	Naresh Kumari and HR Mehta

Proceedings

Ms. Surbhi Garg Advocate has appeared on behalf of the complainant and filed power of attorney today.

The counsel for the complainant states that her client who is a Senior citizen and a heart patient had booked 77 units of 250 sq.yads each with the respondent for which the entire consideration amount i.e. Rs.8,84,37,500/- was paid in one go for which three receipts of Rs.3,40,00,000/-, Rs.2,49,37,500/- and Rs.2,95,00,000/- were issued way back on 23.08.2006 and receipt Nos. 666, 671 and 676 were issued by the respondent. Further submitted that the confirmation of the above booking was sent by the respondent on 18.03.2009 which is at page 23 of the complaint in which it has been clearly mentioned that "we are pleased to confirm your registration in the above said project " Ramprastha City". Allotment letter shall be sent soon once all legal clearance are sanctioned, we will keep you



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informed".

Further stated that they were cheated by the respondent as the respondent had stated that they have all the clearances and sanctions in hand whereas it came to the knowledge of the complainant/allottee later on that they had applied for licence in 2010 and were granted the licence on 28.12.2012 i.e for land measuring 105.402 acres falling in Sectors 37C and 37D in which booking of plots of my client was done by respondent. Said licence has been got renewed by respondent on 19.10.2022 and is valid upto 27.12.2025. The counsel for the complainant further stated that the respondent has not got project registered (Ramprashta City) with HARERA which is a violation of the Act, 2016. But counsel for the respondent submitted that they have already applied for registration with HARERA. Further the counsel for the complainant stated that similar matters have already been decided by the full bench of the authority in CR No.5935/2022 and 7090/2022.

The counsel for the respondent states that the complainant (s) is seeking relief of execution of BBA, delay possession charges and possession of the unit whereas complainant had only money receipts of payment made and no other documents are filed. No doubt similar matters are decided by full bench but each case has it's own merits. The counsel for the complainant further stated that they had filed various complaints against the respondents in EOW Delhi. The counsel for the complainant further stated that they had filed complaint in NCLT also but the same was withdrawn by complainant, hence they are here before this Authority. Further stated that while the complainant was in NCLT, the respondent had come with a demand draft of the principal amount with an assurance to pay interest on that and tried to settle the matter but the same was refused by the complainant as the complainant is willing to take possession of the unit booked way back in



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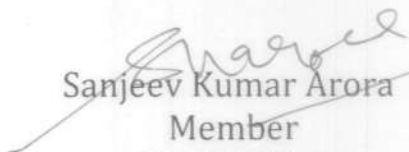
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2006. But counsel for respondent states that complainant has not got BBA executed and has no evidence other than money receipts. But counsel for the complainant stated that it is fault of respondent as on 18.3.2009 respondent had confirmed to send allotment letter and execute BBA. Moreover exactly similar cases are already decided by the full bench in CR No.5935 and 7090 of 2022.

Arguments heard.

In the light of above said facts, the respondent is hereby directed to execute the BBA within 30 days alongwith copy of allotment letter and hand over the possession of the unit to the complainant, who is suffering for the last 18 years within 90 days after obtaining valid occupation certificate/completion certificate and to get the CD executed and completion to pay statutory dues outstanding, if any. Further their area of plots should be ear marked in the project Ramprastha City and no third party rights should be created on the area of plots already sold to the complainant/allottee after taking full consideration way back in 2006. Undoubtedly there is a delay in handing over of possession of the units even after having received full consideration, the respondent is directed to pay delayed possession charges at prescribed rate of interest i.e. 11% p.a. from due date of possession till valid offer of possession after obtaining occupation certificate or actual handover of possession whichever is earlier.

Detailed order will follow. Matter stands disposed off.


Sanjeev Kumar Arora

Member

26.07.2024