

PROCEEDINGS OF THE DAY		34 to 48
Day and Date	Friday and 18.11.2022	
Complaint No.	CR/5505/2022 Case titled as Kapil Mitra and Sonia Sarkar Vs M/s Regional Construction Private Limited	
Complainants	Kapil Mitra and Sonia Sarkar	
Represented through	S/Shri Harsh Jain, Gaurav Rawat and Subodh Gupta Advocates	
Respondent	M/s Regional Construction Private Limited	
Respondent Represented	Shri Lavish Bhola AR of respondent	
Last date of hearing	First hearing	
Proceeding Recorded by	Naresh Kumari and HR Mehta	
Proceedings These complaints were filed on 09.08.2022. As per the registry, complainants had sent copy of complaint through speed post as well as through email and proof regarding having the delivery of the complaint made to the respondent is submitted by the complainants as available in the file. The registry of the authority also sent a notice to the respondent along with a copy of the complaint through speed post of which delivery confirmed on 27.08.2022 as per the tracking report of the speed post available in the file. Registry has also sent the notice along with a copy of the complaint through email on the following email addresses i.e., advocateharshjain@gmail.com and legal@parasbuildtech.com, and the same is shown to have delivered on the above email addresses as per the report available in the file. It is proper service of the notice. Written reply not filed by the respondent. AR appearing on behalf of the respondent requests for an adjournment of four weeks for filing of reply in view of multiple complaints filed before this authority for which reply is to be filed. The respondent is directed to file reply within four weeks i.e., by		



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हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

CR 5505/2022

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

17.12.2022 in the registry of the authority after supplying a copy to the complainant failing which a cost of Rs.10,000/- per case shall be levied and to be paid to the complainants. In case reply is not filed within the time allowed, the defense of the respondent may be struck off.

The counsels for the complainants states at bar that there have been multiple violations on the part of respondent even while executing BBA which is neither as per the standard agreement provided in the Act, 2016 and rules, 2017 and now the additional price are being demanded by the respondent on the basis of unilateral conditions imposed by the respondent in the BBAs in view of his dominant position and hence requests for setting aside such conditions which are contrary to the express provisions of rules and regulations provided under the Act, 2016. The price to be demanded post RERA has to be all inclusive except for taxes part which can be levied as per statutory provisions.

Further, the counsel for the complainant draws the attention of the authority towards orders dated 06.04.2022 passed in complaint no.3158 of 2021 titled as Rupa Gupta and Subodh Gupta Versus M/s Regional Construction Pvt.Ltd. vide which the authority taking a note of various violations made by the respondent-promoter had issued instructions to Shri Sumit Nain Engineer Executive to examine the documents on record and to take further suitable action such as initiating suitable penal action against the promoter, any other action warranted to be taken under sections 35 and 36 of the Act and the same needs to be concluded as early as possible.

Further, the complainants requests for issuance of directions to the respondent under section 36 of the Act for restraining the promoter for cancellation of the unit as pre-cancellation notices have been issued to various complainants to exert pressure for making payment of the amounts which otherwise are not leviable.

The AR of the respondent assures that settlement talks with the complainants are in progress to amicably settle the matter and no further action on the basis of above pre-cancellation notice shall be taken. Since the reply of the complaints have not yet been filed inspite of lapse of more than three months



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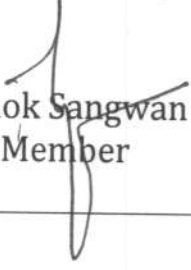
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and hence the respondent is directed to not create any third party rights in respect of above units till next date of hearing. The authority has already taken a detailed view as to what constitute a valid offer of possession as any offer of possession can be considered as valid when the same is made after having obtained the requisite CC/part CC/OC and is not accompanied with any unreasonable and undue demands.

Matter to come up on **19.04.2023** for further proceedings.


Sanjeev Kumar Arora
Member


Ashok Sangwan
Member


Vijay Kumar Goyal
Member
18.11.2022