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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

PROCEEDINGS OF THE DAY

Day and Date	Thursday and 17.08.2023
Complaint No.	E/6600/2019 Case titled Arvind Kumar Jain Vs M/s S.S Group Pvt. Ltd.
Complainant	Arvind Kumar Jain
Represented through	Mr Rishabh Jain Adv
Respondent	S.S Group Pvt. Ltd.
Respondent Represented through	Mr Dhruv Dutt Sharma Adv
Last date of hearing	
Proceeding Recorded by	Jyoti Malik

Proceedings

On previous date, learned counsel for DH undertook to give detail of amounts due against JD. No such detail is given. At the same time, according to him, JD is not handing over physical possession of subject unit to his client (DH).

Learned counsel for JD explained that his client had already issued letters offering possession two times i.e. dated 14.05.2022, and reminder dated 17.12.2022, but DH is not making payment of outstanding dues and hence no possession could be handed over. Learned counsel for DH objected the outstanding dues stating that the JD has calculated amount of PLC, which was not allowed by the authority through order under execution. True, as per direction given by the authority, respondent was obliged not to

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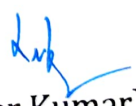
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charge any PLC from the complainant. Learned counsel for JD took me through para 21 of the order under execution, where it was noted by the authority that from perusal of the agreement and payment schedule, the complainant had made payments of the PLC and club membership charges, as per terms of the agreement. Moreover, no such objection was ever ~~been~~ raised by complainant, at the time of making payments and hence the complainant is stopped by his Act.

Whatsoever it may be, it is clear finding of the authority in the end of the order that respondent is directed not to charge any PLC from the Complainant. Said direction is binding upon the parties. The JD is not within its right to charge PLC, as outstanding dues. Let amount of PLC be deducted from the outstanding dues. Both of parties are asked to give their calculations in the light of this order, till next date. Rest of the charges are admitted by learned counsel for DH.

To come on 04.09.2023 for further proceedings.


(Rajender Kumar)
Adjudicating Officer
17.08.2023