



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		16
Day and Date	Thursday and 30.11.2023	
Complaint No.	CR/7309/2022 Case titled as Jaypal Manav and Amit Manav and Kavi Manav VS BPTP Limited	
Complainant	Jaypal Manav and Amit Manav and Kavi Manav	
Represented through	Shri Rajat Tanwar, Advocate	
Respondent	BPTP Limited	
Respondent Represented through	Shri Harshit Batra, Advocate	
Last date of hearing	26.9.2023	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings

The present complaint has been received on 22.11.2022 and the reply on behalf of respondent was received on 28.09.2023.

Succinct facts of the case as per complaint and reply are as under:

S. N.	Particulars	Details	
1.	Name of the project and location	BPTP Terra, Sector 37D, Gurugram, Haryana	
2.	Project area	43 acres	
3.	Nature of project	Group Housing Tower	
4.	DTCP License	83 of 2008 dated 05.04.2008	94 of 2011 dated 24.10.2011
	valid up to	04.04.2025	23.10.2019
	Licensee name	Super Belts Pvt. Ltd and 4 others	Countrywide Promoters Pvt. Ltd. and 6 others



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CRJ-1309/2022

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5.	RERA Registered/ not registered	Registered vide no. 299 of 2017 dated 13.10.2017 valid up to 12.10.2020.
6.	Unit no.	T21-1802, Floor no. 18, in tower- T21 (Page no. 44 of the complaint)
7.	Unit area admeasuring	1691 sq. ft. (super area) (Page no. 44 of the complaint)
8.	Date of execution of apartment buyer's agreement	28.05.2013 (Page no. 35 of the complaint)
9.	Date of execution of tripartite Agreement	28.05.2013 (Page no. 70 of the complaint)
10.	Possession clause	1.6 Commitment Period shall mean, subject to, Force Majeure circumstances; intervention of statutory authorities and Purchaser(s) having timely complied with all its obligations, formalities or documentation, as prescribed /requested by Seller/Confirming Party, under this Agreement and not being in default under any part of this Agreement, including but not limited to the timely payment of installments of the sale consideration as per the payment plan opted, Development Charges (DC), Stamp duty and other charges, the Seller/Confirming Party shall offer the possession of the Unit to the not Purchaser(s) within a period of 42 months from the date of sanction of the building plan or execution of Flat Buyer's Agreement, whichever is later. (Page no. 42 of the complaint)
11.	Due date of possession	28.11.2016



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		(Calculated from the date of execution of buyer's agreement i.e., 28.05.2013)
12.	Total sale consideration	Rs.1,35,56,378/- (As per statement of account at page no. 78 of the complaint)
13.	Amount paid by the complainants	Rs.10,791,234/- plus TDS and total amount comes to Rs. 1,08,72,648/- (As per statement of account at page no. 78 of the complaint)
14.	Occupation certificate	09.12.2021 (Page no. 96 of the reply)
15.	Offer of possession	11.12.2021 (Page no. 77 of the complaint)
16.	Termination letter	11.11.2022 (Page no. 114 of the complaint)
17.	Legal notice sent by the complainants for possession	29.03.2022 (Page no. 43 of the complaint)

On the last date of hearing, the counsel for the respondent stated that the cost imposed by this authority has been paid but till date the complainants have not received any cost. The counsel for the respondent confirmed that cost has not been paid and the same is being paid today.

The counsel for the complainant further states that despite having paid more than 80% of the total sale consideration, the respondent has terminated the unit on 11.11.2022 even after serving legal notice for possession on 29.3.2022. The complainant has draws attention of the authority at the time of offer of possession the respondent has increased the super area and charged various illegal demand.

The counsel for the respondent states that the cancellation of the unit after giving various reminders and demands were raised from the complainant on the basis of Committee report.



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The respondent may send fresh statement of account to the complainant in accordance with the committee report and make various demands in terms of the report of the Committee.

Matter to come up on 22.2.2024 for further proceedings.

V-1-3
Vijay Kumar Goyal
Member
30.11.2023