



**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

| <b>PROCEEDINGS OF THE DAY</b>  |   | <b>27</b> |
|--------------------------------|---|-----------|
| Day and Date                   | Wednesday and 10.01.2024  |           |
| Complaint No.                  | CR/7560/2022 Case titled as Deepak Gupta VS Jasmine Buildmart Private Limited |           |
| Complainant                    | Deepak Gupta  |           |
| Represented through            | Shri Sambit Nanda Advocate  |           |
| Respondent                     | Jasmine Buildmart Private Limited   |           |
| Respondent Represented through | S/Shri Shivam Rajpal and Aditya Rathee Advocates                              |           |
| Last date of hearing           | 08.11.2023  |           |
| Proceeding Recorded by         | Naresh Kumari and HR Mehta  |           |

### **Proceedings**

On the last date of hearing, the counsel for the respondent was directed to file to response to the averments made by the counsel for complainant and show cause as to why the amount received by the respondent may not be deposited in the authority till the decision of the matter. However, no response has been filed by the respondent till date despite specific direction to file within 2 weeks.

No reply has been received in response to the directions of the authority. In view of the above, the respondent is directed to maintain status quo with respect to the unit allotted to the complainant.

The complainant is seeking possession of the unit allotted to him in the project of the respondent for which a basic sale consideration amount was Rs. 3,24,80,000/- out of which the complainant has already paid an amount of Rs.3,10,44,968/-. He further states that the due date to hand over the unit in terms of BBA dated 28.09.2012 was 29.09.2015 and an offer of possession was made to the complainant on 11.11.2019 with illegal demands like reimbursement of labour cess, interest, legal expenses, AMC for 2 years, external electrification etc. The complainant filed an application in NCLT u/s 7 of the IBC in December, 2019 and IRP had already been appointed in another matter. Therefore the petition was infructuous. A demand was made by the IRP



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on 22.06.2020 after which an inspection of the unit shows that unit was not habitable and objections were conveyed to the IRP vide letter dated 17.07.2020. An undertaking was filed by the respondent in the Hon'ble Supreme Court in Civil Appeal No.3778/2020 that the entire project would be completed within one year from 01.03.2022 and offer of possession to the respective home buyers shall be made. Again a demand was made on 09.11.2022 with illegal demands which was replied to that the complainant was willing to pay the dues after adjustment of DPC. However, the respondent proceeded to cancel the unit of the complainant on 01.12.2022. The counsel for the complainant further states that in case it is not possible to restore the unit which was initially allotted to the complainant, then the respondent may be directed to refund the amount deposited alongwith interest.

The counsel for the respondent states that OC was obtained on 29.10.2019 after completion of unit of the complainant and the offer of possession dated 11.11.2019 was valid and on default of the complainant in making due payments, the unit was legally cancelled after following due process on 01.12.2022.

Arguments heard.

Order reserved.

Matter to come up on 06.03.2024 for pronouncement of order Meanwhile the parties may file written submissions within a period of 2 weeks, with an advance copy to each other.

  
Ashok Sangwan  
Member  
10.01.2024