



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

1. COMPLAINT NO. 1221 OF 2021

Ajay Kumar Bahri & Bharti Bahri

....COMPLAINANTS(S)

VERSUS

M/s BPTP Ltd

....RESPONDENT(S)

2. COMPLAINT NO. 1218 OF 2021

Shivani Bhat

....COMPLAINANTS(S)

VERSUS

M/s BPTP Ltd

....RESPONDENT(S)

CORAM: Dr. Geeta Rathee Singh
Nadim Akhtar

Member
Member

Date of Hearing: 15.02.2023

Hearing: 8th

Present: Mr. Kanhaiya Prabhakar, Counsel for the Complainant, through VC.
Mr. Hemant Saini, Counsel for the Respondent

ORDER: (DR. GEETA RATHEE SINGH-MEMBER)

Today, Ld. counsel for complainant submitted that no proper offer of settlement has been received from respondent till date. He requested that respondent be directed to deliver possession of unit at earliest. In reply, ld. counsel for respondent stated that his client is ready to allot alternative unit in completed project or even ready to refund the paid amount by complainant for the reason that tower in which complainant's unit are located are not being further constructed so it is not possible to deliver possession of units in near future.

2. Ld. counsel for the complainant submitted that complainants are not ready to accept offer given by ld. counsel of respondent. Further he apprised the Authority that report of local commissioner in complaint no. 1221/2021 is on record wherein it is stated that flats in the tower in which complainant's unit are located are still under construction. However, ld. counsel for respondent sought time to seek final instructions from his client and to place on record all relevant record to substantiate his submissions.

3. In view of statements made by counsels of complainant and respondent, Authority observes that respondent's submissions with respect to abandoning the tower-Block VL are not supported with any documentary evidence. Further on perusal of report of local commissioner, it is found that the

construction activities were not going at the time of visit and probably no construction work had been carried out in recent past. Relevant part of the report of local commissioner is reproduced below for reference:-

Whether construction of the unit VL1-11-FF stood completed in all aspects.

The present position is as under:

The unit of the complainant, VL1-11-FF was a part of block VL having three storeyed independent flats, 30 (thirty) in all. Block VL was further a small part of Park-81, Parklands campus of BPTP Ltd. visibly at the fag end of the campus. There was a common passage between two apartments VL1 and VL2 each having five sets of three storeyed flats (Annexure-I, photo 1). The common passage was not connected to any road of the campus making the pocket inaccessible by any motor vehicle. Only one pedestrian path was an available approach to the flats (Annexure-I, photo 1). One side of the common passage was abutting to a piece of private cultivated land separated by erecting sheets (Annexure-I, photo 2). The flats, including that of the complainant, were still under construction, however no construction activity was going on at time of visit and it also seemed that no construction activity had taken place in recent past. Construction material was scattered over the area (Annexure- I, photo 1, 2, 3). The interior of the unit VL1-11-FF was also visited which was at first floor. No markings for number of the units were visible, the complainant himself identified his floor unit (Annexure-I, photo 4, 5). No connection was available or made for water supply, sanitary disposal and electricity etc. to the unit (Annexure-I, photo 6, 7). Bath rooms, kitchen etc. were incomplete and electric wiring had not been done in the flat yet (Annexure-I, photo 8, 9, 10, 11, 12). Railing was also not provided to the stair case (Annexure-I, photo 13, 14). No shutters were provided even to main entrance doors of the flat, however two internal door shutters had been erected one of which was badly damaged (Annexure-I, photo 14, 15). No unit in the pocket VL was inhabited by any one due to incomplete status of the flats. The unit number VL1-11-FF was thus incomplete as its useful possession cannot be enjoyed at all.

It is clearly evident from the aforementioned report that units in tower in question is not nearing completion and no flat/unit in said block has been inhabited by anyone due to its incomplete status.

4. Considering the submissions made by respondent and report of local commissioner, it appears that construction of complainant's units is yet not complete. As per version of respondent's counsel units will not be completed even in near future. Keeping in view the factual position stated above one opportunity is granted to respondent to place on record documents to show that the tower in which the complainant's unit is located has been abandoned and the respondent does not intend to develop it in near future.

5. Cases are adjourned to 13.04.2023.


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DR. GEETA RATHEE SINGH
[MEMBER]


.....
NADIM AKHTAR
[MEMBER]