



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 1288 OF 2023

Yashbir Singh

....COMPLAINANT

VERSUS

Omaxe Ltd

....RESPONDENT

**CORAM: Dr. Geeta Rathee Singh
Chander Shekhar**

**Member
Member**

Date of Hearing: 03.12.2024

Hearing: 6th

Present: - Adv. Abhimanu, Ld. Counsel for complainant

Mr. Arjun Sharma, Ld. Counsel for respondent through VC

ORDER

1. Today, Ld. Counsel for complainant appeared and stated that the original allottee had booked a unit in the real estate project namely "Omaxe Shubhangan" on 05.09.2012 and later transferred it to complainant vide request form dated 19.11.2012 which was acknowledged by respondent company. Complainant had paid Rs.14,33,257/- towards basic sale price

- of Rs.11,41,400/- that was raised arbitrarily to Rs. 14,66,586/- ,corrected as Rs.14,38,66/- vide statement of account dated 27.01.2021.
2. He further stated that as per clause 40(a) of builder buyer agreement dated 20.05.2016 respondent was liable to handover possession within 18 months from the date of signing of agreement or within an extended period of six months i.e. by 20.05.2018. However, till date no valid offer of possession has been made to complainant. Complainant further stated that he is only claiming delayed possession charges and wish to drop off all other reliefs.
3. Ld. counsel for respondent stated that complainant is subsequent allottee. Possession was subject to force majeure conditions and subject to timely payments by allottee therefore he is not entitled to the relief of delayed possession. He further stated that possession was subject to force majeure conditions and timely payments. He averred that the project got delayed as the default on part of complainant on making payments and respondent sent numerous reminders to complainant for payment. Ld. Counsel for respondent submitted that respondent gave a discount of Rs. 1,18,600/- to the complainant on the basic sale price and also removed/deducted the cost of Rs. 40,000/- that was levied on the complainant towards club cost.



4. Case is adjourned to 13.05.2025 for further arguments and consideration.


CHANDER SHEKHA
[MEMBER]


Dr. GEETA RATHEE SINGH
[MEMBER]

