



## HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

### COMPLAINT NO. 1458 OF 2023

Nidhi Khullar

....COMPLAINANT

VERSUS

1. M/s BPTP Ltd.

2. BPTP Parkland Pride Limited.

....RESPONDENTS

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

**Member**  
**Member**

**Date of Hearing:** 05.03.2024

**Hearing:** 3<sup>rd</sup>

**Present:** - Sh. Arjun Kundra, counsel for complainant

Sh. Hemant Saini, counsel for respondents

#### **ORDER:**

1. Captioned case was listed for hearing on 28.02.2024. However, due to the constitution of benches, case is being taken up today for hearing.
2. Sh. Hemant Saini, counsel for respondents apprised the Authority that reply was filed on 22.11.2023 in the registry. He stated that Occupation

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Certificate was received on 18.08.2023 from the competent authority and copy of same has already been annexed along with reply as Annexure, R-7 at page 119. Learned counsel for respondent proposed that unit booked by complainant is complete in all aspects and if complainant wish to take possession of the booked unit, they may take it and issues with regard to receivable and payable may be adjudicated by the Authority subsequently thereupon.

3. Sh. Arjun Kundra, counsel for complainant stated that complainant may consider to accept immediate physical possession of booked unit, as proposed by counsel for respondents with pending adjudication of issues pertaining to receivable and payable only if, respondents will not force complainant to sign any documents against her will. Secondly, offer of possession must be accompanied with fresh statement of account of receivable and payable including delay interest to be awarded to the complainant and said statement of account should be strictly in accordance to the terms and area mentioned in builder buyer agreement. He further stated that in case, occupation certificate is approved for lesser area, the statement of account be prepared component wise explaining decrease in area and each charges being levied upon complainant. Furthermore he stated that complainant reserves their right to file objections, if any, arising during handing over of possession.

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4. During course of hearing, learned counsel for complainant draws attention of the Authority to the occupation certificate received by the respondent annexed as annexure R- 7, wherein the area of the unit and plot size has been reduced. He further stated that it became a usual practice of the builder that it offers possession with occupation certificate but area mentioned in approved occupation certificate is decreased from the area given in builder buyer agreement. On being drawn attention by learned counsel for complainant, it is observed that area mentioned in builder buyer agreement annexed at page no.49 of complaint book is different from the area mentioned in occupation certificate annexed at page no. 119 of reply, which prima facie appears to have been reduced. Since, there is a noticeable decrease in area approved in occupation certificate, respondent is directed to file an affidavit stating clearly how the area for which builder buyer agreement was executed between parties on 15.03.2012 has been reduced in approved occupation certificate annexed by respondent along with reply. Further, respondent is directed to file fresh statement of account which should be prepared component wise explaining decrease in area and rate for actual area being charged by respondent along with detailed list of charges being imposed upon complainant for any facilities being provided on site. Said documents be filed in the registry within seven days from uploading of this order from website of the Authority.



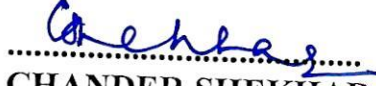
5. In case, complainant is satisfied with fresh statement of account filed by the respondent in the Authority as directed in preceding paragraph, complainant may visit the office of respondent on the mutually agreed date i.e. **22.03.2024** and take physical possession. Respondent is directed to provide copy of fresh statement of account made in accordance to the direction issued by Authority in this order before handing over possession of booked unit to complainant. Further, issue with regard to receivable and payable will be adjudicated by Authority after taking over of possession of the booked unit by complainant. Respondents are directed not to force complainant to sign any documents against her will.
6. On perusal of file, Authority observes that in captioned complaint there are two respondents namely, "BPTP Ltd" and "BPTP Parklands Pride Ltd". However, in reply filed by respondent, affidavit of Sh. Sudhanshu Tripathi has been annexed which is neither signed nor attested. Further, it is also not clarified for whom Sh. Sudhanshu Tripathi is acting as an authorised representative. In case, he is representing both the respondents, copy of board resolution needs to be placed on record by respondents.
7. Respondents are also directed to file fresh signed affidavit and copy of board resolution, along with documents mentioned in para 6 of this order within same time line.
8. Case is adjourned to **02.07.2024**. Respondent is given last opportunity to file above stated documents well in time failing which matter will be



decided on the documents available on records. No further opportunity will be granted.



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DR. GEETA RATHEE SINGH  
[MEMBER]



.....  
CHANDER SHEKHAR  
[MEMBER]