



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

1. COMPLAINT NO. 1615 OF 2023

Puneet Vig

.....COMPLAINANT

Versus

TDI Infrastructure Ltd

.....RESPONDENT

CORAM:

Nadim Akhtar
Chander Shekhar

Member
Member

Date of Hearing: 12.08.2024

Hearing: 4th

Present: Mr. Puneet Vig, Complainant through VC.
Mr. Shubhnit, Counsel for the respondent.

ORDER (NADIM AKHTAR-MEMBER)

1. On the last date of hearing, i.e. 26.02.2024, Authority had observed as follows:-

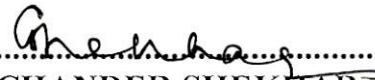
"After hearing submissions of both parties, Authority observes that respondent was supposed to deliver possession of unit upto 18.06.2016 whereas fit out offer of possession was made by respondent to complainant on 01.09.2018 without receipt of occupation certificate. Said offer of possession conveyed increased area of unit from 1499 sq ft to 1783 sq ft. Complainant is aggrieved on two grounds that valid offer of possession duly supported with occupation certificate is not made by respondent till date and valid justification for increased area has not been provided by respondent till date. In respect of occupation certificate, respondent is

directed to submit latest status of occupation certificate alongwith photographs of unit to establish the fact that construction is complete. In respect of increased area, clause 2 of BBA is referred wherein it is stated that super area in the agreement is tentative and subject to change till the construction of the building is complete. But respondent cannot be allowed to increase the area without giving detailed justification for it. Therefore, respondent is directed to provide component wise justification for increased area in terms of principles laid down in complaint no. 607/2018 Vivek Kadyan vs TDI Infrastructure Ltd. as to in which all components increase has been made. Said documents, be filed by respondent within be filed within 3 weeks with advance copy supplied to complainant.

Perusal of file reveals that complainant claims to have paid an amount of Rs 42,48,060/- but receipts with proper dates or statement of account with dates of each payment has not been attached with file. Complainant is directed to file receipts or affidavit detailing out payments with their dates in a tabular form alongwith proof of each payment. Said affidavit be filed within 3 weeks with advance copy supplied to respondent.

Case is adjourned to 06.05.2024 for arguments. "

2. As per office record, respondent had filed requisite documents in compliance of order dated 26.02.2024 in registry on 03.05.2024 with advance copy supplied to complainant.
3. Today, complainant sought time to file rebuttal to the justification of increased area provided by respondent. His request is accepted.
4. Complainant is directed to file rebuttal within next 2 weeks with an advance copy supplied to respondent.
5. Case is adjourned to 16.12.2024 for final arguments.


 CHANDER SHEKHAR
 [MEMBER]


 NADIM AKHTAR
 [MEMBER]