



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: 26.02.2024

Hearing: 3rd

Present: Mr. Puneet Vig, Complainant through VC.

Mr. Shubhnit, Counsel for the respondent.

ORDER (NADIM AKHTAR-MEMBER)

1. Case was fixed for hearing on 28.03.2024. However, due to constitution of Benches, the case is taken up today for hearing.

2. Today, complainant has argued that respondent had issued fit out offer of possession on 01.09.2018 without even completing the construction work and receipt of occupation certificate. Further, he is aggrieved of unjustified increase in area from 1499 sq ft to 1783 sq ft. He requested that valid offer of possession supported with occupation certificate alongwith justification of increased area be provided to him.

3. Ld. counsel for respondent has stated that respondent after completing the construction work had already applied for occupation certificate on 31.03.2017. Thereafter, fit out offer of possession was sent to complainant on 01.09.2018 but it is the complainant who did not come forward to accept it. Further, he stated that area specified at time of booking was tentative and any increase/decrease in area is duly covered in clause 2 of builder buyer agreement dated 18.01.2014.
4. 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.

5. 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.
6. Case is adjourned to 06.05.2024 for arguments.


CHANDER SHEKHAR
[MEMBER]


NADIM AKHTAR
[MEMBER]