



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 211 OF 2021

Saurabh Berry & Anr

....COMPLAINANTS

VERSUS

M/s BPTP Ltd. and Ors

....RESPONDENTS

CORAM:

Dr. Geeta Rathee Singh

Member

Nadim Akhtar

Member

Date of Hearing: 17.10.2023

Hearing: 13th

Present: -

Ms Ramandeep Kaur, Counsel for complainants
Mr. Hemant Saini, Counsel for the respondents.

ORDER (NADIM AKHTAR- MEMBER)

1. Case was fixed for arguments. Part arguments heard. During the course of arguments, Ms Ramandeep Kaur, learned counsel for the complainant submitted that the complainant had booked a unit with a super area admeasuring 867 sq. ft whereas at the time of execution of conveyance deed the area of the unit had been unilaterally increased to 1027 sq. ft. which is beyond the permissible limit of 10 %.
2. At this point a specific query was raised to the learned counsel for the respondents as to how can the respondent builder make sale of unit

where the area has been changed beyond the allowed limit. Mr. Hemant Saini, learned counsel for the respondents sought time to seek instructions from his client with regard to the same.

3. On the other hand, Mr. Hemant Saini, learned counsel for the respondents argued that in this case possession of the booked unit had been offered to the complainant on 24.02.2017. Thereafter complainants had executed conveyance deed with respect to the said unit on 25.08.2017 without any protest or objection. Complainant had been enjoying the said possession for three whole years before filing this complaint seeking delay interest, refund of increase in super area charges, in submitted that complainant has filed this present complaint challenging the increase in super area charges, EDC/IDC, VAT, electrification, club charges etc. However, in the written pleadings, complainants have failed to attach any proof supporting their contentions that they had raised the objections with regard to these charges with the respondent builder. Mere verbal submissions of the learned counsel for the complainants cannot be accepted.

Upon questioning, Ms. Ramandeep Kaur, learned counsel for the complainants sought time to place on record the communications sent by the complainants to the respondent objecting the alleged miscellaneous charges challenged in the present complaint.



4. In view of submissions of both the counsel, Authority observes that the matter has been principally argued at length by both the parties. However, the two point of contentions raised in para 1 and 3 of this order need to be argued in order to effectively adjudicate the matter. Therefore, case is adjourned to **16.01.2023** for arguments on following points only:

- i. The sale of the unit in question by the respondent builder despite an increase in area beyond the permissible limit.
- ii. The communications sent the by the complainant to the respondent after offer of possession and/or execution of conveyance deed where in the alleged raised on account of increase in super area charges, EDC/IDC, VAT, electrification, club charges etc have been challenged by the complainants. Complainants are directed to file th requisite documents within 4 weeks with an advance copy supplied to the respondents.


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DR. GEETA RATHEE SINGH
[MEMBER]


.....
NADIM AKHTAR
[MEMBER]