



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 237 OF 2022

Shaurya Kaul

....COMPLAINANT

VERSUS

M/s BPTP Ltd.

....RESPONDENT

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

**Member
Member**

Date of Hearing: 12.03.2024

Hearing: 9th

Present: - Sh. Nitin Kant Setia, counsel for complainant through VC

Sh. Hemant Saini, counsel for respondent through VC

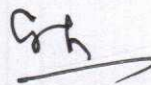
ORDER:

1. Captioned case was listed for hearing on 23.01.2024. However, due to the constitution of benches, case is being taken up today for hearing.
2. Sh. Hemant Saini, counsel for respondent stated that unit of complainant is complete in all aspects and copy of offer of possession was filed yesterday i.e. on 11.03.2024 in registry. Learned counsel for respondent made a proposed to complainant to take possession subject to adjudication of receivable and payable by the Authority subsequently thereupon.
3. Sh. Nitin Kant Setia, counsel for complainant stated that complainant is ready and willing to take possession of the unit booked as proposed by counsel for respondents, nevertheless respondent be directed not to force complainant to sign any documents against his will. He further stated that complainant reserves his rights to file objections, if any, arising during handing over of possession.
4. Learned counsel for complainant has also stated that complainant has not received the earlier costs of ₹ 2000/- each payable to complainant imposed vide orders dated 10.05.2022 and 17.08.2022 respectively.
5. After hearing both parties, Authority observes that as per order dated 05.09.2023, respondent was directed to place on record copy of builder buyer agreement executed between respondent and original allottee i.e. Mr. Pushpraj Mahendra and Ms. Lajjawati. However, respondent has not

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filed the same till date. During hearing, learned counsel for respondent stated that there is no such document executed with the original buyers, therefore matter be decided on the basis of available records.

6. Further, on perusal of records, it is revealed that respondent has annexed affidavit of Sh. Sudhanshu Tripathi along with reply, which is neither signed nor attested. Therefore, to complete pleadings, it is necessary to direct to respondent to file fresh signed affidavit along with copy of board resolution by Friday i.e on 15.03.2024 in the registry.
7. By mutual consent of both parties, date for handing over of possession is fixed for **28.03.2024**. Further, issue with regard to receivable and payable will be adjudicated by Authority after taking over of possession of the booked unit by complainant. Respondent is directed not to force complainant to sign any documents against his will. Respondent is also directed to file fresh signed affidavit along with copy of board resolution well in time.
8. Lastly, issue with regard to earlier imposed cost totalling to ₹ 4000/- payable to complainant vide orders dated 10.05.2022 and 17.08.2022. As per learned counsel for respondent, said cost stands paid, however on perusal of office record, it is revealed that a cheque of ₹ 2000/- each was submitted by respondent dated 10.05.2022 and 17.08.2022, which are expired. Therefore, respondent is directed to collect the same from registry and pay the pending cost of ₹ 4000/- to complainant directly.



9. Case is adjourned to **16.07.2024** for final arguments. No further opportunity will be given to any of the parties.


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DR. GEETA RATHEE SINGH
[MEMBER]


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CHANDER SHEKHAR
[MEMBER]

