



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 2372 OF 2022

Rajesh Sharma and Poonam Sharma

....COMPLAINANTS

VERSUS

1. BPTP Limited.

2. Countrywide Promoters Pvt. Limited.

....RESPONDENTS

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

**Member
Member**

Date of Hearing: 20.02.2024

Hearing: 5th

Present: - Sh. Arjun Kundra, counsel for complainants

Sh. Hemant Saini, counsel for respondents



ORDER :

1. Captioned case was listed for hearing on 31.01.2024. 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 05.12.2023 in the registry. He stated that Occupation Certificate was received on 15.12.2023 from the competent authority, however, copy of same has not been placed on record. Learned counsel for respondent proposed that unit booked by complainants is complete in all aspects and if complainants 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. Further, he prayed before Authority that delay interest to be granted to complainants should be restricted to the date of receiving of occupation certificate i.e. 15.12.2023.
3. Sh. Arjun Kundra, counsel for complainants stated that firstly reply as well as affidavit attached with reply are not signed by respondents, thus respondent be directed to supply a signed copy of reply and affidavit along with copy of Occupation Certificate. Learned counsel further stated that the complainants are ready and willing to take possession of the unit booked as proposed by counsel for respondents subject to two conditions. Firstly, respondents will not force complainants to sign any documents

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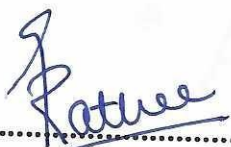
against their will. Secondly, offer of possession must accompany copy of occupation certificate. He further stated that complainants reserves their rights to file objections, if any, arising during handing over of possession.

4. Learned counsel for complainants has also stated that complainants have not received the earlier costs of ₹ 2000/- and ₹ 5000/- payable to complainants imposed vide orders dated 04.05.2023 and 24.08.2023 respectively.
5. On being drawn attention by learned counsel for complainant, Authority observes that in captioned complaint there are two respondents namely, "BPTP Ltd" and "Country Wide Promoters Pvt. Ltd." Respondent had filed affidavit of Sh. Sudhanshu Tripathi 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.
6. Sh. Hemant Saini, counsel for respondents undertakes that all pending costs imposed vide orders dated 04.05.2023, 24.08.2023 and 29.11.2023, which in total comes to ₹ 30,000/- payable to Authority and ₹ 7,000/- payable to complainant will be paid by Friday i.e. on 23.02.2024. Further, he stated that Sh. Sudhanshu Tripathi is acting as an authorised representative for both the respondents. Signed copy of affidavit along



with copy of board resolution will be placed on record by Friday i.e. on 23.02.2024.

7. By mutual consent of both parties, date for handing over of possession is fixed for **01.03.2024**. Respondent is directed to provide copy of occupation certificate to complainant before handing over possession of booked unit. Further, issue with regard to receivable and payable will be adjudicated by Authority after taking over of possession of the booked unit by complainants. Respondents are directed not to force complainants to sign any documents against their will. Respondents are also directed to file fresh signed affidavit along with copy of board resolution well in time.
8. Case is adjourned to **28.05.2024**.


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DR. GEETA RATHEE SINGH
[MEMBER]


.....
CHANDER SHEKHAR
[MEMBER]