



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

1. COMPLAINT NO. 3102 OF 2022

Anand Kumar Maheshwari COMPLAINANT

Versus

Aarcity Builders Pvt. LtdRESPONDENT

2. COMPLAINT NO. 3103 OF 2022

Anand Kumar Maheshwari COMPLAINANT

Versus

Aarcity Builders Pvt. LtdRESPONDENT

3. COMPLAINT NO. 3104 OF 2022

Surender KumarCOMPLAINANT

Versus

Aarcity Builders Pvt. LtdRESPONDENT

CORAM:	Parneet Singh Sachdev	Chairman
	Nadim Akhtar	Member
	Dr. Geeta Rathee Singh	Member
	Chander Shekhar	Member

Date of Hearing: 21.03.2024

Hearing: 7th in all cases.

Present: Mr. Anurag Jain, Counsel for the complainants in all complaint.
Mr. Tarun Ranga, Counsel for the respondent in all cases.

ORDER (PARNEET SINGH SACHDEV-CHAIRMAN)

1. On the last date of hearing, i.e. 25.01.2024, Authority had observed as follows:-

“Arguments of both parties have been heard and relevant record has been perused. It is pertinent to mention here that status quo with respect to allotment rights of unit was ordered vide order dated 07.02.2023 against cancellation letter dated 26.11.2022 in order to avoid further complications and as of today, no third party rights have been created by the respondent. With respect to the cancellation, the Authority observes that possession was supposed to be delivered by 16.11.2015 in terms of builder buyer agreement but the respondent had offered only a fit out offer on 22.08.2022. A demand for Rs 10,93,589/- was also created. The said offer was not accompanied with occupation certificate. The respondent itself, at the time of hearing admits the receipt of occupation certificate on 21.06.2023; meaning thereby that the impugned offer of possession in year 2022 was not a valid offer. Complainant was not bound to accept the offer and to pay remaining amount in year 2022. Therefore, the cancellation letter dated 26.11.2022 holds no sanctity in eyes of law. It stands quashed.

Facts reveal that respondent has not offered valid offer of possession after receipt of occupation certificate till date to complainant. Complainant is interested in having possession of unit alongwith delay interest. Therefore, respondent is directed to issue offer of possession to complainant alongwith statement of receivables and payables strictly made as per provisions of RERD Act, 2016 and HREERA Rules, 2017. Said statement of receivables and payables be mailed to complainant within next 7 days from today. Thereafter, respondent should arrange a physical site visit of complainant on 05.02.2024 for inspection of unit. Complainant is at liberty to point out deficiencies, if any, in writing to respondent after said site visit. Respondent shall file statement of



receivables and payables and list of deficiencies in registry atleast two weeks prior to next date of hearing.

Perusal of file reveals that complainant has prayed for restraining the respondent from charging car parking charges Rs 1,50,000/- and Club membership charges Rs 25,000/- for the reason that these facilities are not being provided by respondent at site. In reply, the ld. counsel for respondent submitted that one car parking is attached alongwith unit, charges are being taken for the additional car parking. He further ensured that charges for these facilities will be added in statement of receivables and payables only if same are being provided at site.

With the aforesaid directions, the cases are adjourned to 21.03.2024."

2. Today, ld. counsel for respondent has stated that offer of possession with statement of receivables and payables was duly made to all complainants on 22.02.2024. Pursuant to said offer, complainants in complaint no.s 3102 and 3103 visited the site, however there is no response from complainant in complaint no. 3104/2022. He further stated that final talks for handing over of possession is going on between the parties.

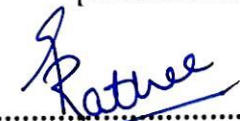
3. It is to mention here that no has put in appearance on behalf of complainants when the case was called up for hearing so cases were adjourned after hearing submissions of ld. counsel for respondent. However, later on Adv. Anurag Jain, ld. counsel for complainant appeared and requested to mark his presence. He further stated that no complainant has visited site in pursuance of offer of possession made by respondent. At this stage, Authority accepted the request of complainant's counsel to mark his attendance and directed him to file rebuttal/objections to the offer of possession made by respondent in



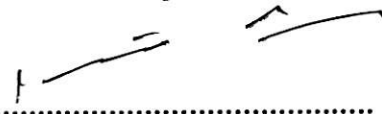
writing as matters cannot be further adjudicated /heard in absence of respondent's counsel. Said objections be filed within next 3 weeks with advance copy supplied to respondent.

4. Cases are adjourned to 30.05.2024.


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CHANDER SHEKHAR
[MEMBER]


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DR .GEETA RATHEE SINGH
[MEMBER]


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NADIM AKHTAR
[MEMBER]


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PARNEET SINGH SACHDEV
[CHAIRMAN]