



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. Ltd

.....RESPONDENT

2. COMPLAINT NO. 3103 OF 2022

Anand Kumar Maheshwari

..... COMPLAINANT

Versus

Aarcity Builders Pvt. Ltd

.....RESPONDENT

3. COMPLAINT NO. 3104 OF 2022

Surender Kumar

.....COMPLAINANT

Versus

Aarcity Builders Pvt. Ltd

.....RESPONDENT

CORAM:

Parneet Singh Sachdev

Chairman

Nadim Akhtar

Member

Dr. Geeta Rathee Singh

Member

Chander Shekhar

Member

Time of Hearing: 15.02.2024

Date of Hearing: 30.05.2024

Hearing: 9th in all cases.

Present: Mr. Anurag Jain, Counsel for the complainants in all complaint.

None for the respondent in all cases.

ORDER (PARNEET SINGH SACHDEV-CHAIRMAN)

1. On the last date of hearing, i.e. 21.03.2024, Authority had observed as follows:-

*"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. *

It is to mention here that no one 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."

2. Today, ld. counsel for complainant argued that objections had been filed in registry on 27.05.2024 with advance copy supplied to respondent in captioned complaints. He further argued that delay interest has not been calculated by respondent in terms of HRERA Rules, 2017 and demand of maintenance has been raised by respondent whereas possession is still to be handed over. In respect of issue of car parking charges to tune of Rs 1,50,000/- and club membership charges to the tune of Rs 25,000/-, he submitted that said charges have not been raised by respondent as both of the amenities are not yet available at site. Today, no has put in appearance on behalf of respondent in captioned complaints.
3. Fact remains that the respondent w.r.t towers B, D and G of project in-question 'Regency Park', Hisar has already received occupation certificate on 21.06.2023. Therefore, the units located in said towers are fit for occupation. Complainant's units are located in towers B and D. Considering this fact, Authority vide order dated 25.01.2024 had directed the respondent to offer

possession alongwith statement of receivables and payables in terms of HRERA Rules,2017 and to arrange a physical site visit for inspection of respective units. The respondent has made an offer of possession to the complainants on 22.02.2024 by email. The complainants have confirmed that the offer for their respective units was made by respondent. However, the aforementioned offer, though accompanied by a statement of receivables and payables, but did not reflect the correct picture of receivables and payables as per the version of counsel for complainants. The complainant's counsel in his written submissions said as follows:-

"That the statement of receivable and payable as provided by the respondent s per illegal and contrary to the provisions of RERA Act and HRERA Rules and in violation of the directions issued by this Hon'ble Authority vide order dated 25.01.2024, which has been so reproduced in order dated 21.03.2024"

Further, physical site visit for inspection of unit has not been arranged by respondent till date.

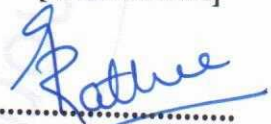
4. In the aforesaid circumstances, Authority directs the respondent to handover actual physical possession of respective units to complainants on or before 20 June, 2024 without insisting upon issue of receivables and payables. Before handing over of possession, respondent shall arrange a physical site visit of complainants for inspection of unit so that complainants may point out the deficiencies, if any, that exist in their allotted units. Details of said physical site



visit alongwith name and contact no. of concerned official be informed through mail to the complainant within next 10 days. Complainants are at liberty to file details of deficiencies or any other shortcoming existing in the units with photographs in registry.

5. However, complainants will remain liable to get paper formalities done for taking keys of unit. Issue of receivables and payables will be adjudicated by this Authority in further hearing. Both parties are directed to provide their statement of receivables and payables amount within next 4 weeks with an advance copy exchanged with each other.
6. Cases are adjourned to 24.10.2024.


CHANDER SHEKHAR
[MEMBER]


DR .GEETA RATHEE SINGH
[MEMBER]


NADIM AKHTAR
[MEMBER]


PARNEET SINGH SACHDEV
[CHAIRMAN]