



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 335 OF 2023

Smt. Sangeeta Garg

.....COMPLAINANT

Versus

CMD Pardesi Developers Pvt. Ltd

.....RESPONDENT

CORAM: Dr. Geeta Rathee Singh
Nadim Akhtar

Member
Member

Hearing: 2nd

Date of Hearing: 26.07.2023

Present: - Sh. Vikasdeep , learned counsel for complainant.

Sh. Sushant Dahiya, learned counsel for the respondent .

ORDER (Dr. GEETA RATHEE SINGH - MEMBER)

1. Ld. Counsel for complainant stated that complainant booked 2BHK flat admeasuring 1212 sq.ft in the real estate project Ushay Towers by depositing 3,00,000/- on 24.09.2012. On 21.11.2012 flat no. 403, 4th floor, Honda Bay Tower in real estate project Usha Tower, Kundli, GT Road, Haryana was allotted to him. On 02.02.2018 respondent offer possession but booked flat was changed and flat no. 403, Cherry Tower in Ushay Tower was offered instead. Same was not acceptable by complainant and hence, complainant immediately refused such offer and sent legal notice dated 01.05.2018 to respondent, however respondent did not respond to same. Complainant had filed civil suit no. 528/2018 which was finally rejected on jurisdiction issue, vide order dated 16/01/2023. He further stated that as there is an inordinate delay from deemed date of possession, therefore complainant is no more interested in taking possession in alternate unit i.e. 403, Cherry Tower and therefore is seeking relief of refund along with interest only.
2. On the other side, ld. Counsel for respondent stated that offer of possession was made to the complainant of flat no. 403, 4th floor, Honda Bay Tower in Usha Tower project and such offer was duly communicated in review petition bearing 120 of 2019 of Delhi High court. Moreover flat is ready and offer of possession was made so this complaint is not maintainable.

3. During hearing proceedings Authority posed a specific question to the counsel for respondent that whether occupation certificate has been granted/issued by DTCP for the tower in which the complainant booked his unit i.e. Honda Bay Tower or the respondent promoter has just applied for grant/issue of occupation certificate. To this ld counsel for respondent stated that he is not aware about the status of occupation certificate w.r.t Honda Bay Tower and seeks time to submit relevant documents w.r.t the same in the Authority.
4. For better understanding of case some documents are required and therefore Authority directs to respondent to file Occupation certificate copy for the tower in which complainant had booked his unit. Respondent is granted last opportunity to file a detailed reply, failing which the matter shall be adjudicated upon on the basis of documents available on file, and oral arguments presented by both the parties.
5. Case is adjourned to **15.11.2023** with above directions.


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NADIM AKHTAR
[MEMBER]


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DR. GEETA RATHEE SINGH
[MEMBER]