



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 398 OF 2022

Dr. Varun Sharma and Savita Sharma

....COMPLAINANT(S)

VERSUS

BPTP Ltd.

....RESPONDENT(S)

CORAM: Dr. Geeta Rathee Singh Member
Nadim Akhtar Member

Date of Hearing: 09.08.2023

Hearing: 6TH

Present: Mr. Nitin Kant Setia, Counsel for complainants through VC.
Mr. Hemant Saini, Counsel for the Respondent.

ORDER: (DR. GEETA RATHEE SINGH- MEMBER)

1. During the course of hearing on 27.04.2023, respondent had offered a settlement proposal to the complainants either by way of refund of paid amount alongwith interest @9% or offering alternate units to complainants. Complainants accepted the offer of settlement by way of offer of alternate unit. Respondent was directed to offer at least 3 alternate units to complainants by way of an email within next 2 weeks and arrange

meeting with complainants with regard to settlement of dispute by way of alternate unit.

2. Today, Mr. Hemant Saini, learned counsel for the respondent submitted that inadvertently the respondent company failed to send email with regard to 3 alternate units to be sent to the complainants. He further submitted that respondent company is still interested in settling the dispute and therefore, sought an adjournment to pursue settlement with the complainants.
3. Mt. Nitin Kant Setia, learned counsel for the complainants submitted that as per his instructions, his clients are no longer interested in initiating settlement proceedings with the respondent company. He prayed that the case be heard and decided on merits.
4. During the course of hearing, it was pointed out by the learned counsel for the respondent that there is a technical objection in the present complaint. Complainants have filed captioned complaint to avail remedy in respect of three units namely H-6-02-GF, H-6-02-FF and H-6-02-SF for which three separate builder buyer agreements have been executed between the parties. The point of contention is that present complaint involves three independent units for which the facts and circumstances may be different from one another. Complainants cannot claim relief for all three units in one complaint. He argued that removal of alleged

technical objection is necessary as the same will create difficulty during further proceedings.

5. In rebuttal, learned counsel for the complainants argued that the present complaint may be heard with respect to facts and circumstances involving unit bearing no. H-6-02-GF and for remaining he may be allowed to file a separate application.
6. Authority after hearing both parties and perusing record is of the view that the three units in question namely H-6-02-GF, H-6-02-FF and H-6-02-SF are three separate entities which may involve different facts and circumstances. Both parties have entered into three different contracts with respect to each individual unit which gives rise to three different sets of circumstances. The Authority may have to pass separate orders in respect of each unit. Accordingly, the complainants are directed to file an application in present complaint clearly identifying the unit against which they wish to proceed present complaint and file two separate complaint qua the remaining units along with requisition to club them with the captioned. Fresh complaints should be filed within two weeks with advance copies supplied to respondent. Thereafter, respondent is granted two weeks time to file its reply with an advance copy supplied to the complainants. Authority is not inclined to give multiple opportunities to either of the parties.



7. It is pertinent to mention that from perusal of record, it has also been observed that present complainants, i.e, Mr. Varun Sharma and Mrs Savita Sharma are co-owners of the units in question. In the proforma- B, both co-owners are impleaded as complainants. Affidavit of Mr. Varun Sharma, verifying all the facts has been annexed in the file. However, no affidavit or representation on behalf of second allottee, i.e, Mrs Savita Sharma has been placed on record. It is imperative that affidavit of Mrs Savita Sharma, verifying all the facts and her stance be also placed before the Authority to proceed further. Therefore, complainants are directed to file aforementioned affidavit in the registry of the office before next date of hearing with advance copy supplied to respondent.
8. Case is adjourned to 20.09.2023.


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NADIM AKHTAR
[MEMBER]


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DR. GEETA RATHEE SINGH
[MEMBER]