



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
Nadim Akhtar

Member
Member

Date of Hearing: 20.09.2023

Hearing: 7th

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 last hearing dated 09.08.2023, Authority, after hearing both parties, had made following observations in present complaint:

“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

Geeta Rathee

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. "

2. Today, Mr. Nitin Kant Setia, learned counsel for the complainants submitted that he has filed an application dated 11.09.2023 for recalling/rectification of the order dated 09.08.2023 vide which the complainants have been directed to file separate complaints for separate units. Further affidavit of Mrs Savita Sharma in compliance of order dated 09.08.2023 has also been filed. Advance

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copies of both the application and the affidavit have been supplied to the respondent.

3. Mr. Hemant Saini, learned counsel for the respondent sought time to file reply to the application dated 11.09.2023 for recalling/rectification of the order dated 09.08.2023 filed by the complainants. Respondent is directed to file reply within 3 weeks with advance copy supplied to the complainants.
4. Case is adjourned to 07.11.2023 for arguments.


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NADIM AKHTAR
[MEMBER]


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DR. GEETA RATHEE SINGH
[MEMBER]