



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

1. COMPLAINT NO. 439 OF 2022

Vipin Kumar Bansal

....COMPLAINANT

VERSUS

Best Deal Housing and Construction Pvt. Ltd.

....RESPONDENT

2. COMPLAINT NO. 441 OF 2022

Vipin Kumar Bansal

....COMPLAINANT

VERSUS

Best Deal Housing and Construction Pvt. Ltd.

....RESPONDENT

CORAM: Dr. Geeta Rathee Singh

Member

Nadim Akhtar

Member

Date of Hearing: 07.12.2023

Hearing: 7th

Present: - Mr. Ajay Kalra Advocate, counsel for complainants in both complaints.

Geeta Rathee

Mr. Ashish Pundir, Advocate, counsel for the respondent in both complaints.

ORDER (DR. GEETA RATHEE SINGH - MEMBER)

1. Relevant part of last order dated 13.09.2023 is reproduced below:

*"1. Learned counsel for complainants in both the complaints stated that he has instructions on behalf of complainant to take possession of the booked plots in the absence of completion certificate voluntarily. He further stated that complainants intend to raise construction on the plots in question at his own risk and responsibility.
2. On the other hand ld. Counsel for respondent stated that respondent promoter is ready to deliver possession of the plots to the complainants.
3. On concurrence of the ld. Counsel of the complainant, the respondent is directed to deliver possession of the plots to complainants within 15 days from date of uploading this order.
5. The matter with regard to receivables and payables and execution of the conveyance deed will be taken up on next date. The respondent shall not insist for making remaining payment if any due to the complainant at the time of delivery of possession."*

2. Today, Mr. Ajay Kalkar, ld. Counsel for complainant apprised the Court that in compliance of the last order, respondent sent offer of possession

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letter vide email to the complainant. However, the said letter is conditional that once possession is taken by the complainant, respondent will be discharged from all his obligations towards complainant and later on, complainant cannot claim anything from the respondent. Learned counsel for complainant also apprised the Authority that after deleting the said condition, the said letter duly signed by complainant was returned to the respondent. However, respondent has still not given possession of the plot to the complainant.

3. Learned Counsel for respondent submitted that he is ready to deliver possession to the complainant.
4. Perusal of the documents revealed that vide order dated 09.08.2023, cost of ₹1,00,000/- payable to the Authority was imposed on respondent which has not been paid by the respondent till date. It is observed that there has been a wilful continuous disobedience on the part of respondent. Learned counsel for respondent is directed to pay earlier imposed cost of ₹1,00,000/- payable to the Authority, and an additional cost of ₹1,00,000/- payable to the Authority, total amounting to ₹2,00,000/- payable to the Authority before next date of hearing.
5. Authority directs the respondent to invite complainant to visit the site and offer physical possession of the unit on any mutually agreed date between 22.12.2023 and 24.12.2023. Respondent is further directed not to charge



any amount from the complainant at this stage and also respondent is directed to not force or make allottee to sign any document wherein, complainant has to give up their statutory rights.

6. Authority further directs that respondent shall prepare the fresh statement of account as per RERA Rules and Regulations and file the same in the registry before next date of hearing. Payables and receivables shall be decided by the Authority in the further course of hearing. The conveyance deed of the unit will be got done by the respondent after the final decision of the Authority on payables and receivables.
7. In case of non compliance of above orders of the Authority, Directors of the respondent company shall appear physically before the Authority on next date of hearing.
8. Cases are adjourned to 21.03.2024.



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NADIM AKHTAR
[MEMBER]



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DR. GEETA RATHEE SINGH
[MEMBER]