



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 478 OF 2022

Sanjay Goel

....COMPLAINANT

VERSUS

TDI Infrastructure Ltd.

....RESPONDENT

CORAM:

Dr. Geeta Rathee Singh

Member

Nadim Akhtar

Member

Date of Hearing: 31.01.2023

Hearing: 6th

Present :-

Mr. Arun Kumar, Counsel for complainant

Mr. Shubhnit Hans, Counsel for respondent.

ORDER (NADIM AKHTAR - MEMBER)

1. Complainant in this case had booked a residential flat in the project of the respondent namely "Tuscan Heights, TDI CITY" situated at Kundli, Sonipat in the year 2011. Complainant was allotted unit no. T-2/1204 admeasuring 1390 sq.ft vide allotment letter dated 27.04.2011. A

builder buyer agreement was executed between both parties on 30.07.2012 and as per clause 30 of buyers agreement possession should have been delivered by 2015. Total sale consideration of the unit is ₹ 34,00,635/- against which complainant has paid an amount of ₹ 51,01,212/- till date. An offer of possession was issued by the respondent vide letter dated 06.03.2018 along with an additional demand of ₹ 9,04,944/-. Thereafter, possession certificate was executed between both parties on 13.07.2018. Grouse of the complainant is that respondent has offered possession after a delay of more than three years without obtaining occupation certificate and also the basic amenities are not available at site. Complainant is further aggrieved that respondent vide said offer of possession apprised him about unilateral increase in super area from 1390 sq. ft to 1654.10 sq.ft. i.e by 264.10 sq.ft.

2. Mr. Arun Kumar, learned counsel for the complainant submitted that in present complaint, possession of the booked unit should have been delivered by the year 2015. However, respondent issued an offer of possession on 06.03.2018 without obtaining occupation certificate. Though, complainant has executed a possession certificate on 13.07.2018 but complainant is not able to enjoy the rights attached to said possession since the unit is still incomplete. Further, the respondent has unilaterally increased the super area of the booked unit

from 1390 sq. ft to 1654.10 sq.ft. without providing justification which has put additional financial burden on the complainant. Complainant has filed present complaint seeking delay interest on account of delayed delivery of possession and refund of excess charges raised on account of increase in super area.

3. Learned counsel for the respondent stated that respondent has applied for grant of occupation certificate on 09.05.2014 but the same has not been granted to them by the Department of Town & Country Planning till date. He stated that the complainant after duly inspecting their unit cleared all the dues, signed the no objection certificate dated 16.04.2018 and accepted the physical possession vide Possession Certificate dated 13.07.2018. At the time of executing possession certificate, complainant had given an undertaking stating that he will not be entitled to lay further claim from the respondent.
4. At this point a specific query was put up to the respondent with regard to the justification of alleged increase in super area of the unit. Mr. Shubhshnit Hans, learned counsel for the respondent submitted that he will need some time to provide detailed justification of the increase in area of the unit.
5. On request of respondent, case is adjourned to **20.04.2023**. Respondent shall file component wise chart of super area of the unit of the complainant within 3 weeks along with copies of earlier approved unit



plan and revised approved unit plan of the complainant. An advance copy of these documents be also supplied to the complainant.

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DR. GEETA RATHEE SINGH
[MEMBER]

.....
NADIM AKHTAR
[MEMBER]

