



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

1. COMPLAINT NO. 505 OF 2023

Inderpreet Kaur and Kulminder Singh GhaiCOMPLAINANT(S)

VERSUS

RAS Developments Pvt. Ltd.

(Group Housing Colony, Karnal

...RESPONDENT

2. COMPLAINT NO. 515 OF 2023

Payal Ghai and Harinder Singh GhaiCOMPLAINANT(S)

VERSUS

RAS Developments Pvt. Ltd.

(Group Housing Colony, Karnal

...RESPONDENT

**CORAM: Dr. Geeta Rathee Singh
Nadim Akhtar**

**Member
Member**

Date of Hearing: 02.11.2023

Hearing: 3rd

Present: Mr. Harshit Batra, Counsel for the Complainants through VC.
Mr. Sahil Bansal, proxy counsel on behalf of Adv. Shubhnit Hans,
Counsel for the respondent through VC.

ORDER: (DR. GEETA RATHI SINGH-MEMBER)

1. I.d. counsel for the respondent submitted that reply has already been filed and arguments may be heard. Counsel appearing on behalf of the complainants submitted that they were allotted unit in the Affordable Group Housing Project "RAS BASERA" at sector-16, Taraori, district Karnal, by way of an allotment letter on 19.11.2019 for a total sale consideration of Rs. 14,88,530/-. He submitted that as per clause 5, sub clause III, Point B of the Notification of Affordable Housing Policy, 2013, the respondent was required to offer possession within the 4 years of the sanctioning of the building plan. As per the documents submitted by respondent to this Authority, last building plan was sanctioned in the year 2015, on 20.10.2015. Hence, the due date of offer of possession is 20.10.2019. He, therefore submits that there has been a delay of 3 years in the offering of possession by the respondent.

I.d. counsel for the respondent argued that he has handed over the Builder Buyer Agreement to the complainants for their signatures but they have not signed and returned the agreement for reasons best known to them. He denied that due date of offer of possession was 20.10.2019 or that



there is any delay in offering possession of the said Unit and that even if we consider the Covid-19 situation, still there is no delay attributable to the respondent. Ld. Counsel for the respondent further submitted that the respondent has completed the development and construction for the said Project/Unit in all respects with all the basic amenities and is under process to apply for the Occupation Certificate. The Authority asked the Ld. Respondent counsel as to how can possession be offered of the said unit, without issuance of Occupation Certificate by the Competent Authority.

2. Ld. Counsel for the complainants also submitted that he has been making timely payments towards the project regularly and that he has already paid more than 89% of the total sale consideration, i.e., Rs.11,00,000/- till 04.06.2022, still respondent arbitrarily cancelled allotment made to them while Occupation Certificate has not even been applied by the respondent. He also submitted that without the issuance of Occupancy Certificate, any possession offered is invalid. Ld. Counsel for the respondent reiterated that he received an unsigned BBA from the complainants. Authority directed the Ld. Counsel for respondent to place on record proof showing that BBA was sent to the Complainants and that it was received back unsigned from them.



3. After hearing both the parties, the Authority, ordered the respondent to place on record and submit document:
 - a. Showing proof of receipts that the BBA sent to the complainant and the same was received back unsigned by the respondents.
 - b. Whether any third party rights have been created on the said unit of the complainants?
4. Cases are adjourned to 10.01.2024 for further arguments.
5. A copy of this order be placed on record of another complaint case.



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NADIM AKHTAR
[MEMBER]



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DR. GEETA RATHI SINGH
[MEMBER]