



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

1. COMPLAINT NO. 525 OF 2024

Sushil Kumar Nanda

.....COMPLAINANTS

Versus

M/s BPTP Ltd.

.....RESPONDENT

2. COMPLAINT NO. 887 OF 2024

Syeda Sabrina Yesmin Salim

.....COMPLAINANTS

Versus

BPTP Ltd.

.....RESPONDENT

3. COMPLAINT NO. 587 OF 2024

Manoj Kumar and Anr.

.....COMPLAINANTS

Versus

M/s BPTP Ltd.

.....RESPONDENT

CORAM: Nadim Akhtar

Member

Chander Shekhar

Member

Date of Hearing: 04.08.2025

Hearing: 6th in all captioned complaints

Present: Adv. Nitin Kant Setia, counsel for the complainant in all complaints through VC

Adv. Hemant Saini, counsel for respondent.

ORDER (NADIM AKHTAR-MEMBER)

1. Relevant part of last order dated 21.07.2025 is reproduced below:

"Today, learned counsel for the complainants submitted that in Complaint Nos. 525, 587, and 887 of 2024, the Authority had directed the respondent to hand over possession of the units without raising any demands at the time of handing over possession. However, contrary to these directions, the respondent has raised monetary demands at the time of handing over possession.

The Authority enquired from the learned counsel for the complainants whether such demands were made verbally or in writing? In response, the counsel referred to page no. 21 of the application dated 03.04.2025, wherein the complainant has annexed a demand letter dated 18.02.2025. As per the said letter, the respondent has demanded payment of holding charges and stamp duty. It was further submitted that the complainants have complied with the said demands. The complainants have once again requested the Authority to issue a show cause notice to the respondent under Section 63 of the Real Estate (Regulation and Development) Act, 2016 for non-compliance with the Authority's directions. It was also brought to the notice of the Authority that in Complaint No. 887 of 2024, the respondent offered possession vide email dated 16.07.2025, i.e., merely three days prior to today's hearing."



2. Learned counsel for the complainant initiated his submissions by referring to **Complaint No. 525 of 2025**, wherein he submitted that the respondent had sent an *Offer of Possession* via email dated 18.03.2025, along with the requisite *No Objection Certificate (NOC)*. In response, the complainant informed the respondent that he was hospitalized at the relevant time and expressed his willingness to take possession of the unit after 15.08.2025. Learned counsel for the complainant further submitted that pursuant to the earlier directions of this Authority, the complainant personally visited the office of the respondent, after travelling from Orissa and show even his flight tickets. However, the complainant was not entertained by the respondent and possession of the unit was not handed over. The complainant also referred to an application dated 03.04.2025, specifically pointing to Page 21, wherein a demand for holding charges amounting to ₹4,66,971/- was raised. He further referred to Page 23 of the application to submit that all demands raised by the respondent had been duly paid. Despite making full payment, the respondent merely offered *fit-out possession*, which is evident from the contents at Page 27 of the said application.
3. On the other hand, learned counsel for the respondent, while referring to **Complaint No. 587 of 2025**, submitted that the respondent had filed an application on 18.07.2025, enclosing therein an email dated 31.07.2025,



whereby the complainant was requested to visit the office of the respondent on 05.08.2025 for the purpose of taking physical possession of the unit. In reply, the complainant in Complaint No. 587 of 2025 contended that the respondent demanded stamp duty in the present matter, which is not payable. It was further submitted that the stamp duty amount already paid by the complainant ought to be refunded. The complainant reiterated that possession has not been handed over till date.

4. In **Complaint No. 887 of 2025**, learned counsel for the complainant submitted that the complainant is ready to visit the site of the respondent for taking over possession, provided an email is issued to him clearly mentioning the final payable amount. The complainant assured that upon receipt of such an email, he shall proceed to take possession of the unit. However, the email sent to the complainant regarding the possession shall be placed on record today itself.
5. Learned counsel for the respondent additionally argued on the point of maintainability of the present complaint and submitted present complaints amounts to second round of litigation. He stated that the present complainants had earlier filed a complaints before the Authority, which were disposed of vide order dated 09.10.2018, holding that the facts of the case were similar to those in *Madhu Sareen vs. BPTP Ltd.*, and all such matters were disposed of

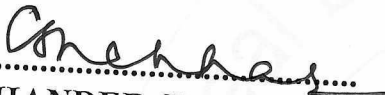


with a direction that when offer of possession is made, it must be accompanied by a statement of account prepared in accordance with the Madhu Sareen principles. He emphasized that Madhu Sareen judgment applies only for the limited purpose of preparation of statement of account, and no liberty to file a fresh complaints was granted to the present complainants in that order. The liberty mentioned in the Madhu Sareen case cannot be extended to other complainants. It was also submitted that the Authority has no power of review or rectification under the RERA Act, and if the complainants were aggrieved by the earlier decision, they should have approached the Appellate Tribunal and not filed fresh complaints. The respondent pointed out that execution proceedings are already pending before the Adjudicating Officer in respect of the same cause of action and the complainants have already taken partial relief in those proceedings. He lastly stated that the respondent is still ready and willing to hand over possession to the complainants. The receivables and payables can be decided later by the Authority.

6. Authority directs the respondent to handover possession of the units to the complainants in the captioned complaints and complainants are also directed to visit the office of the respondent for the purpose of taking over of possession.



7. Lastly, Authority directs counsels of both the parties to remain physically present on the next date of hearing for the purpose of final arguments. Further, last opportunity is granted to both the parties to file their written submissions, if any, atleast two weeks prior to the next date of hearing, with copy supplied to the opposite parties.
8. Cases are adjourned to 29.09.2025 for further arguments.


CHANDER SHEKHAR
[MEMBER]


NADIM AKHTAR
[MEMBER]