HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

1. COMPLAINT NO. 505 OF 2024

Rakesh Kumar Kapoor and anr. .......COMPLAINANTS

Versus

M/s BPTP Ltd. ....RESPONDENT

2. COMPLAINT NO. 506 OF 2024

Hemanta Kumar Pandit and Anr. .......COMPLAINANTS

Versus

M/s BPTP Ltd. ....RESPONDENT

3. COMPLAINT NO. 543 OF 2024

Ankur Mehan and Anr. .......COMPLAINANTS

Versus

M/s BPTP Ltd. ....RESPONDENT

4. COMPLAINT NO. 544 OF 2024

Atul Kumar Rohtagi .......COMPLAINANTS

Versus

M/s BPTP Ltd. ....RESPONDENT

5. COMPLAINT NO. 587 OF 2024

Manoj Kumar and Anr. .......COMPLAINANTS

Versus

M/s BPTP Ltd. ....RESPONDENT

6. COMPLAINT NO. 525 OF 2024

Sushil Kumar Nanda .......COMPLAINANTS

Versus

M/s BPTP Ltd. ....RESPONDENT

CORAM: Nadim Akhtar **Member**

Chander Shekhar **Member**

Date of Hearing: 07.04.2025

Hearing: 4th in all captioned complaints

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

Adv. Hemant Saini for the respondent in all captioned complaints.

ORDER (NADIM AKHTAR-MEMBER)

1. Learned counsel for the complainants submitted that possession of the unit has been taken in the following complaints:

   a. Complaint No. 505 of 2024 – possession taken on 26.03.2025.

b. Complaint No. 506 of 2024 – possession taken on 19.03.2025.

c. Complaint No. 543 of 2024 – possession taken on 03.04.2025

2. It is contended by the ld. counsel for complainants that despite the Authority's specific direction in the order dated 10.02.2025 restraining the respondent from demanding or collecting any amount at the time of site visit or during the handover of possession, the respondent has collected approximately ₹6,00,000/- from each of the complainants.

3. In particular, the complainant in Complaint No. 505 of 2024 has paid ₹2,93,000/- towards stamp duty. The complainants allege that the respondent charged stamp duty at the prevailing market rate, whereas the complainants are liable to pay stamp duty based on the rates applicable in 2013. Had the correct rate been applied, only ₹1,00,000/- would have been payable by the complainant on account of stamp duty. Thus, it is argued that the excess amount collected is unjustified and is in violation of the Authority's previous directions. Therefore, the matter regarding final reconciliation of receivables and payables between the parties is still pending adjudication before the Authority.

4. Upon query by the Authority, the learned counsel for the complainants submitted that the respondent has not executed the conveyance deeds in any of the aforesaid cases till date. The Authority sought an explanation from the

learned counsel for the respondent regarding the collection of charges at the time of possession. In response, it was submitted that the complainants are liable to make certain payments at the time of taking possession of their respective units.

5. The complainants, however, contended that the respondent has arbitrarily levied and collected several charges, including but not limited to maintenance charges, administrative charges, and holding charges, which were not due at the time of possession. It is, therefore, prayed that the excess amount collected be refunded to the respective complainants.

6. In Complaint No. 525 of 2024, it was submitted that the complainant has not yet taken possession of the unit, despite having paid ₹7,00,000/-. The respondent is now demanding an additional ₹6,00,000/- on account of holding charges and other charges before handing over possession. The complainant has 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. In response, the respondent submitted that an offer of possession was sent to the complainant on 18.03.2025, but the complainant failed to visit the site. Similarly, in Complaint No. 544 of 2024, the complainant has also not taken possession due to unreasonable demands made by the respondent. The respondent claims that

a fit-out letter of possession has already been issued and that possession was in fact taken on 18.03.2025.

6. Further, in Complaint No. 587 of 2024, the complainant has filed an application dated 04.03.2025, stating that the respondent refused to hand over possession despite the complainant travelling from Patna to New Delhi for the said purpose. The respondent now states that they are ready to hand over possession to the complainant.

7. After hearing the submissions of both parties and perusing the record, the Authority directs as follows:

    a. The respondent shall file an affidavit within 15 days from the date of this order, categorically specifying the heads under which charges have been levied upon the complainants. The affidavit must provide a detailed breakup of all charges (including but not limited to stamp duty, maintenance, administrative, holding charges, rate of interest and interest levied, if any,) imposed in the captioned complaints.

    b. The respondent must also clarify the basis for each charge and justify their imposition in light of the Authority's directions issued in earlier orders.

    c. A copy of the said affidavit shall be supplied in advance to the complainants.

d. In case any complainant disputes the details or calculations submitted by the respondent, the complainants shall be at liberty to file a counter affidavit, placing on record any discrepancies they find, supported by documentary evidence, if any.

8. Cases are adjourned to **21.07.2025** for further arguments.

CHANDER SHEKHAR
[MEMBER]

NADIM AKHTAR
[MEMBER]