



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 623 OF 2022

Ashok Kumar

...COMPLAINANT

VERSUS

Housing Board Haryana, Estate Branch, Panipat

....RESPONDENT

CORAM: Nadim Akhtar
Chander Shekhar

Member
Member

Date of Hearing: 20.05.2024

Hearing: 7th

Present: Mr. Kamal Dahiya, ld. counsel for complainant.

Mr. VPS Namdev, ld. counsel for respondent.

Dinesh, Chief Revenue Officer.

Girdhari lal, Clerk in Head Quarter of Housing Board, Haryana.

ORDER (NADIM AKHTAR-MEMBER)

1. That earlier bunch of 24 complaints of different allottees of same project was being considered together and lead case was complaint no.491 of 2022, which was reserved on 26.02.2024. Authority observes some reliefs of the complainants in 24 complaints, which were being taken up together in bunch

are common. However, there are individual reliefs also of complainant and thus each complaint needs to be dealt separately. Therefore, Authority deems proper to deal the complaints individually instead of bunch.

2. As per last order dated 26.02.2023, Authority directed the complainant to file application mentioning therein date of offer of possession given by the respondent, date on which possession was taken by the complainant, amount paid duly supported by receipts and relief sought by the complainant. As per office record, no information/document has been filed by the complainant.
3. Today, Id counsel for complainant stated that complainant sent an e-mail to the respondent on 25.04.2024 for addressal of his grievance. However, inspite of addressing his grievance, respondent sent 'Bedakhali' notice to the complainant, whereas matter is pending before the Hon'ble Authority. In this regard, Authority put specific question to the respondent that how respondent has issued 'Bedakhali' notice to the complainant when matter is subjudice before the Authority? To this Id counsel for respondent stated that he will seek instructions on the issue from the Housing Board, Haryana.
4. Authority directs the respondent to maintain status quo as on today regarding 'Bedakhali' notice till the matter is subjudice before the Authority. Complainant is directed to submit a copy of 'Bedakhali' notice in the registry and provide a copy to the Id counsel for respondent. Respondent is directed to file clarification as to why 'Bedakhali' notice has been issued during the pendency of the case before the Authority.



5. Counsel for complainant stated that he does not wish to file any separate documents/ information in compliance of the directions issued by Authority vide order dated 26.02.2024. He stated that respondent offered possession after delay and that too with illegal demands. Possession was taken by the complainant after registering protest, after issuance of cancellation notice by the respondent. By referring to the annexures, counsel mentions the relevant documents, i.e., Annexure C2 as possession certificate; Annexure C3 as transfer certificate dated 16.06.2021, receipts as Annexure C-4 issued by the respondent; and other relevant documents have already been attached with complaint no.491/2022.
6. Further, by referring to the relief clause in complaint file, Ld counsel for complainant submitted the following:
- (i) With regard to first relief, possession has already been taken by the complainant and now prayer is restricted only seeking delay interest.
 - (ii) With regard to second relief, complainant want respondent to repair all the structural defect in the unit
 - (iii) With regard to third relief, he stated that when the complaint was filed basic amenities were not there, i.e., electricity supply and water supply, etc. However, as on date water connection is there. Electricity supply is also there but not as per the required load.

Basically now relief are confine to only from (i) to (iii) and rest are not being pressed upon.



7. Ld counsel for complainant further stated that respondent issued cancellation notice after offer of possession and to save allotment many complainants signed blank document to give consent. Authority asked the complainant as whether complainant communicated or filed any complaint to the respondent regarding his grievances after no objection was signed by him. To this, complainant counsel stated that to said communications are attached with complaint no.491 of 2021.
8. On the other side ld counsel for respondent stated that complainant is not maintainable as unit was purchased by complainant from original allottee after assuring the status of basic facilities. Therefore, all the allegations of the complainant are totally false, baseless and vexatious.
9. Authority observed that RERA, Act of 2016 does not differentiate between the original allottee and subsequent allottee. Therefore, this plea of respondent holds no good. Further, Authority put specific query to the respondent that whether basic amenities, i.e, water supply, electric connection and roads were there, when the respondent offered possession to the complainant. To this counsel for respondent stated that all the amenities were there when respondent offered possession to the complainant and at time of offering possession complainant signed the no objection certificate with the respondent and then only complainant purchased the unit.
10. Authority observes that by merely making verbal statements respondent cannot be allowed to state that amenities were there when possession was offered.



Therefore, Authority directs the respondent to submit documentary evidence/written submissions duly certified to prove the claim that all amenities were present at time of offer of possession and provide specific dates of making available various amenities. Ld counsel for respondent was also directed to submit no objection certificate signed by the complainant/allottee to prove the same.

- 11.To specifically address the grievance of the complainant, Authority directs the complainant to place on record the individual grievance of the complainant and the copies of correspondence held with respondent so that matter can be effectively adjudicated.
- 12.Both the parties are directed to file the above mentioned documents before the next date of hearing with an advance copy supplied to opposite party.
13. With above directions, case is adjourned to **14.10.2024.**


CHANDER SHEKHAR
[MEMBER]


NADIM AKHTAR
[MEMBER]