



Complaint no. 636 of 2024

HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 636 OF 2024

Saibal Bose and Shreya Bose

....COMPLAINANTS

VERSUS

BPTP LTD.

....RESPONDENT

CORAM: **Dr. Geeta Rathee Singh** **Member**
Chander Shekhar **Member**

Date of Hearing: 25.03.2025

Hearing: 3rd

Present: - Mr. Narender Yadav, Learned Counsel for the
Complainants
Mr. Tejeshwar Singh, Learned Counsel for
Respondent through VC.

ORDER(DR. GEETA RATHEE SINGH- MEMBER)

1. Today, case was fixed for arguments. Learned counsel for the complainants submitted that the complainants in this case are seeking possession of unit no. E40-30-FF booked in the year 2009 in the project namely "Park Elite Floors" being developed by the respondent. A builder buyer agreement was executed between the parties on 05.01.2012. Possession of the unit was to be delivered in the year 2014.

However, the respondent has failed to deliver possession of the booked unit within stipulated time. Complainants have paid an amount of ₹ 19,33,184.25/- till date against total sale consideration of ₹ 16,08,004/-. Respondent had issued an offer of possession to the complainant on 12.01.2022 however, said offer of possession was sent to the old address of the complainants and hence was never received by them. There is no proof that the offer of possession dated 12.01.2022 has been served upon the complainants. Complainants had already informed the respondent about the change in address but received no communication on the fresh address. When the complainants visited the office of the respondent in the year 2023, they came to know that the respondent had terminated their allotted unit vide letter of termination dated 11.11.2022. Complainants requested the respondent to revoke the termination but respondent refused to the same. Respondent had issued an offer of possession without receiving occupation certificate and without adjusting the delay interest admissible to the complainants. Hence, the present complaint seeking direction to respondent to set aside the termination dated 11.11.2022 and to handover possession of the unit to the complainants.

2. Learned counsel for the respondent submitted that written submissions have been filed in this case which are part of the record. Further possession has been offered to the complainant after completion of



development works on 12.01.2022. Respondent had requested the complainants to take possession after remittance of balance sales consideration of the unit however, complainants failed to do so thus, the respondent vide letter dated 11.11.2022 terminated the unit after giving multiple reminders to the complainants.

3. At this point, learned counsel for the respondent was enquired whether there is any proof of service of letter of termination upon the complainants. Learned counsel for the respondent submitted that there is no proof of service of letter of termination.
4. Arguments advanced by both parties have been taken on record. Case is adjourned to 22.07.2025 for further arguments and consideration


.....
CHANDER SHEKHAR
[MEMBER]


.....
DR. GEETA RATHEE SINGH
[MEMBER]