



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO.782 OF 2023

Monika Nandal

.....COMPLAINANT

Versus

Ruhil Promoters Pvt Ltd.

.....RESPONDENT

CORAM: Dr. Geeta Rathee Singh
Chander Shekhar

Member
Member

Date of Hearing: 19.11.2024

Hearing: 5th

Present: Adv. Rashi Hooda, Ld. Counsel for the complainant through VC.
Adv. Navneet, Ld. Counsel for respondent through VC.

ORDER:

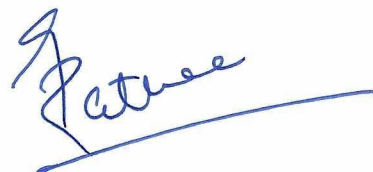
1. Today, Adv. Rashi Hooda, ld. counsel for complainant appeared through VC and stated that the initially an apartment buyer agreement was executed on 20.03.2015 in the name of Mr. Sudhir Nandal(Husband of Monika Nandal). However, he died on 19.09.2016, death certificate has been filed. Subsequently, a new apartment buyer agreement was executed on 05.01.2017

between the parties in respect to flat no. D-903, 9th floor, having a super area of 1708 square ft. She further submitted that respondent had promised to hand over possession of the unit/flat to complainant in the year 2018, However respondent received occupation certificate (O.C) from the competent Authority on 17.03.2023 which clear show the respondent failed to handover possession within the competent Authority.

2. Ld. counsel for complainant submitted that since possession was not offered within the agreed term notice upon respondent on 06.07.2022, demanding refund of the deposited amounts against her unit.
3. Adv. Navneet, ld. counsel for respondent submitted that offer of possession was made on 10.05.2022 after obtaining an occupation certificate from the competent Authority on 17.03.2022 and it is the complainant who is in violation of **Section 19(10) of RERA Act, 2016** as it is the complainant who has not come forward to take the physical possession of the flat. **Section 19 (10) of RERA Act, 2016** is reproduced below:-

“Every allottee shall take physical possession of the apartment, plot or buildings as the case may be, within a period of two months of the occupancy certificate issued for the said apartment, plot or building, as the case may be”

4. Ld. counsel for complainant submit that complainant visited office of respondent on various occasions. However, respondent was never attended and listened to.



5. Arguments are heard and case is adjourned to 08.04.2025 for further arguments and consideration.


CHANDER SHEKHAR
[MEMBER]


Dr. GEETA RATHEE SINGH
[MEMBER]

