



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

1. COMPLAINT NO. 954 OF 2021

Pushpinder Singh

....COMPLAINANTS(S)

VERSUS

BPTP Ltd.

....RESPONDENT(S)

2. COMPLAINT NO. 955 OF 2021

Renu Kohli

....COMPLAINANTS(S)

VERSUS

BPTP Ltd.

....RESPONDENT(S)

3. COMPLAINT NO. 956 OF 2021

Renu Kohli

....COMPLAINANTS(S)

VERSUS

BPTP Ltd.

....RESPONDENT(S)

4. COMPLAINT NO. 957 OF 2021

Swaran Singh

....COMPLAINANTS(S)

VERSUS

BPTP Ltd.

....RESPONDENT(S)

4

**CORAM: Rajan Gupta
Dilbag Singh Sihag**

**Chairman
Member**

Date of Hearing: 08.07.2022

Present: Shri Akshat Mittal, Ld. counsel for the Complainant.

Shri Hemant Saini and Shri Himanshu Monga, Ld. counsel for the Respondent.

ORDER: (RAJAN GUPTA-CHAIRMAN)

1. Captioned complaints are more or less identical and relate to the same project of the respondent. Complaint no. 954 of 2021 is taken as lead case.
2. Brief facts as averred by complainant are that complainant booked a plot in the respondent's project Parklands Pride in the year 2006 by paying Rs. 6,75,000/-. He was allotted a plot bearing no. X13-06 in the said project on 11.05.007. Builder buyer agreement was not executed between the parties. Complainant had paid an amount of Rs. 27,77,336/- against the basic sales price of Rs. 26,50,000/- till 22.01.2009.

3. Further facts of the matter are that respondents offered possession of the booked plot to the complainant on 09.10.2017. The said offer of possession was conveyed with an additional demand of Rs. 21,10,612/-. The complainant alleges that they did not accept the said offer of possession given by the respondent for the reasons of wrongful additional demand of Rs. 21,10,612/- made by the respondents; and that the offer was without obtaining occupation certificate of the building from authorities concerned of the State Government. Complainant has impugned additional demands against various components like EEDC, IDC, STP, ESS (Electric sub-station), Electrification and STP charges. Present complaint has been filed by the complainant for seeking the possession of his plot after obtaining occupation certificate along with delay interest and for placing on record statement of accounts.
4. Ld. counsel for the complainant has today reiterated the facts already discussed in para 1 and 2 and argued that respondent was supposed to deliver possession by 2009. He drew attention of the court towards its order dated 09.03.2022. Operative part of the said order is being reproduced below:

Complainant submitted an application dated 04.03.2022 in complaint no. 954 of 2021 whereby he has attached

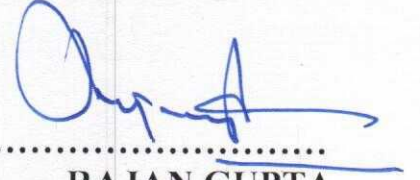
possession letter sent to complainant by the respondent dated 09.10.2017. He argued that in the said offer, an amount of Rs. 21,10,612/- has been demanded from him without any breakup of the said amount. This issue of additional demand without giving any break up has arisen in all captioned complaints.

Authority directs the respondent to provide breakup of the amount demanded by the respondent in all these cases within 15 days from uploading order on the website of the Authority.

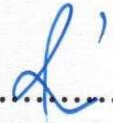
Ld. counsel for the complainant stated that respondent has not provided any breakup of the amount demanded by him vide possession letter dated 09.10.2017 till date.

5. Ld. counsel for respondent informed that part completion was received by the respondent on 09.09.2010. He further requested for a short adjournment for arguing this case.
6. Authority prima facie is of the view that in the present case respondent has already collected an amount of Rs. 27,77,336/- against the basic sales price of Rs. 26,50,000/- till 22.01.2009. No builder buyer agreement is executed between the parties. Possession was offered by the respondent in 2017 along with an additional demand of Rs. 21,10,612/- without any justification. This amounts to high handedness on the part of respondent. Respondent appears to be using this dominant position vis-à-vis allottees. However, considering request of ld. counsel

for respondent case is adjourned to 15.07.2022. Further, it is made clear that no further opportunity will be granted. Both parties are free to submit their written argument, if any before the next date of hearing.



RAJAN GUPTA
(CHAIRMAN)



DILBAG SINGH SIHAG
(MEMBER)

