



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

1. COMPLAINT NO. 954 OF 2021

Pushpinder Singh

....COMPLAINANT

VERSUS

BPTP Ltd. & Ors.

....RESPONDENTS

2. COMPLAINT NO. 955 OF 2021

Renu Kohli

....COMPLAINANT

VERSUS

BPTP Ltd. & Ors.

....RESPONDENTS

3. COMPLAINT NO. 956 OF 2021

Renu Kohli

....COMPLAINANT

VERSUS

BPTP Ltd. & Ors.

....RESPONDENTS

4. COMPLAINT NO. 957 OF 2021

Swaran Singh

....COMPLAINANT

VERSUS

BPTP Ltd. & Ors.

....RESPONDENTS

CORAM: Dr. Geeta Rathee Singh
Nadim Akhtar

Member
Member

Date of Hearing: 22.08.2023

Hearing : 15th in all cases

Present: Shri Akshat Mittal, Counsel for the Complainant in all cases.
Shri Hemant Saini, Counsel for the Respondent in all cases
through phone call.

ORDER: (NADIM AKHTAR- MEMBER)

1. Case was fixed for final arguments. Mr. Hemant Saini, learned counsel for the respondents, has sought adjournment, stating, that he needs more time to prepare for arguments in the matter. He requested that any short adjournment may be granted.
2. Mr. Akshat Mittal, learned counsel for the complainants stated that respondent may be granted one final opportunity to prepare for the matter and no further date may be given. He further wished to bring on record a peculiar fact pertaining to the offer of possession sent to the complainants on 06.07.2009 stating that the earlier address of the Complainant, Ms. Renu Kohli, was H.no A-668 Sarita Vihar, New Delhi. Complainant had later on shifted to a different place bearing address as Utopian Remedies Pvt Ltd, Plot no. 15A, NIT Faridabad. The fresh address was intimated to the respondents company only in the year 2014. However, in the offer of possession dated 06.07.2009 sent to the complainant, the address has been mentioned as Utopian Remedies Pvt Ltd,



Plot no. 15A, NIT Faridabad which was not the address of the complainant at that time. Whereas the letters/ communication issued to the complainant in the year 2012, 2013, 2014, 2017 and 2018 are sent on the initial address of Sarita Vihar. This difference in address raises doubt with regard to the genuineness of the offer of possession dated 06.07.2009 as how can it be sent on an address in the year 2009 when the complainant had herself shifted in the year 2014. Learned counsel for the complainant prayed to the Authority that the veracity of the offer of possession dated 06.07.2009 is vital for the proper adjudication of the matter and respondents may be directed to place on record the courier receipt of said offer of possession.

3. In view of the allegations made by the learned counsel for the complainants, Authority observes that indeed the offer of possession dated 06.07.2009 has been issued on the second address of the complainant, i.e, Utopian Remedies Pvt Ltd, Plot no. 15A, NIT Faridabad to which the complainant had only shifted in the year 2014 whereas the other communications of the respondent sent after 2009 also bear the original address of Sarita Vihar, New Delhi and not Faridabad. This difference in the addresses of the complainant creates a genuine doubt with respect to the conduct of the respondents. Since acknowledgement of offer of possession bears crucial hold to the merits of the case, it becomes important to first adjudicate that whether the said offer of possession was genuine and received by the complainant.



Therefore, complainant is directed to file an affidavit with regard to the aforementioned facts within one week with an advance copy supplied to the respondent. Respondents shall file its reply/clarification to the affidavit filed by the complainant latest by 31.08.2023 with advance copy supplied to the complainant.

4. Accepting the request of the learned counsel for the respondents, the captioned cases are adjourned to 01.09.2023 for final arguments. No further opportunity shall be given to either of the parties. In case, either of the parties is not available on the date fixed, the cases will be decided on the basis of available record and documents. Respondents are also directed to pay the cost imposed upon it vide order dated 10.08.2023 before the next date of hearing.


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DR. GEETA RATHEE SINGH
[MEMBER]


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NADIM AKHTAR
[MEMBER]