



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

1. COMPLAINT NO. 982 OF 2020

Umesh Kumar Pandey

....COMPLAINANT

VERSUS

M/s Piyush Buildwell India Ltd.

....RESPONDENT

2. COMPLAINT NO. 984 OF 2020

Sarika

....COMPLAINANT

VERSUS

M/s Piyush Buildwell India Ltd.

....RESPONDENT

3. COMPLAINT NO. 985 OF 2020

Ashish Kumar Mishra

....COMPLAINANT

VERSUS

M/s Piyush Buildwell India Ltd.

....RESPONDENT

4. COMPLAINT NO. 986 OF 2020

Moumita Bose

....COMPLAINANT

VERSUS

M/s Piyush Buildwell India Ltd.

....RESPONDENT

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5. COMPLAINT NO. 988 OF 2020

Rajni Gupta

....COMPLAINANT

VERSUS

M/s Piyush Buildwell India Ltd.

....RESPONDENT

6. COMPLAINT NO. 991 OF 2020

Sarabjit Singh Sabharwal

....COMPLAINANT

VERSUS

M/s Piyush Buildwell India Ltd.

....RESPONDENT

7. COMPLAINT NO. 992 OF 2020

Preeti Madaan

....COMPLAINANT

VERSUS

M/s Piyush Buildwell India Ltd.

....RESPONDENT

8. COMPLAINT NO. 993 OF 2020

Pushpa Rani

....COMPLAINANT

VERSUS

M/s Piyush Buildwell India Ltd.

....RESPONDENT

9. COMPLAINT NO. 996 OF 2020

Sunil Lamba

....COMPLAINANT

VERSUS

M/s Piyush Buildwell India Ltd.

....RESPONDENT



10. COMPLAINT NO. 1041 OF 2020

Pratibha MishraCOMPLAINANT

VERSUS

M/s Piyush Buildwell India Ltd.RESPONDENT

11. COMPLAINT NO. 1042 OF 2020

Shailendra Kumar SaxenaCOMPLAINANT

VERSUS

M/s Piyush Buildwell India Ltd.RESPONDENT

12. COMPLAINT NO. 1254 OF 2020

Rajneesh YadavCOMPLAINANT

VERSUS

M/s Piyush Buildwell India Ltd.RESPONDENT

13. COMPLAINT NO. 1255 OF 2020

Rajneesh YadavCOMPLAINANT

VERSUS

M/s Piyush Buildwell India Ltd.RESPONDENT

14. COMPLAINT NO. 1303 OF 2020

Ramesh KumarCOMPLAINANT

VERSUS

M/s Piyush Buildwell India Ltd.RESPONDENT

15. COMPLAINT NO. 1304 OF 2020

Rekha Dhankar

....COMPLAINANT

VERSUS

M/s Piyush Buildwell India Ltd.

....RESPONDENT

16. COMPLAINT NO. 1433 OF 2020

Kamlesh Dhankar

....COMPLAINANT

VERSUS

M/s Piyush Buildwell India Ltd.

....RESPONDENT

CORAM:

**Rajan Gupta
Dilbag Singh Sihag**

**Chairman
Member**

Date of Hearing: 29.06.2022

Hearing: 12th (in complaint no. 1254, 1255, 1303, 1304, 1433 of 2020)

13th (in all other complaints)

Present:

Ms. Aishwarya Dobhal, ld. counsel for the complainants (in all complaints)

Mr. Gaurav Singla, ld. counsel for the respondent through VC



ORDER (DILBAG SINGH SIHAG-MEMBER)

This is 13th hearing. While perusing case file, it is observed that a detailed order has already been passed in this bunch of complaints on 05.05.2022, operative part of which is reproduced below:

Complainants in all the captioned complaints have already taken possession of their respective apartments. Now, prayer of all the complainants is to get conveyance deeds executed in their favour.

2. The case of the complainants is that they have already paid either entire sale consideration or more than that. Further, the possession after receipt of entire sale consideration was voluntarily handed over by respondents to the complainants. Complainants are enjoying peaceful possession of their apartments since the years ranging from 2014 to 2020.

3. A table showing the complaint number, total sale consideration, total amount paid and the date of lawful possession taken by complainants is given below: -

C. No.	Area	TSC/BSP	Payments made as per SOA	Balance as per SOA	Additional amount paid after SOA	Total paid	Offer of possession
982/2020	1268 sq. ft.	₹21,08,484	₹19,76,639/- -	₹6,55,251/-	₹6,95,377/-	₹26,72,016/- (₹19,76,639/- +₹6,95,377/-)	16.09.2017 (Possession taken: 05.02.2018)
984/2020	1164 sq. ft.	₹20,97,980	₹19,72,554/ -	₹9,55,555/-	₹15,82,342/-	₹35,54,896/-	04.03.2014 (Possession taken: 19.01.2016)
985/2020	1576 sq. ft.	₹60,00,000/ -	₹60,00,000/ -	₹5,52,776/-		₹60,00,000/-	31.03.2018 (Possession taken: 07.09.2018)
986/2020 No reply	1164 sq. ft.	₹28,26,449 In pleadings all amt paid NO receipts	₹20,64,569/ -	₹7,61,880/-		₹20,64,569/-	22.11.2014 (Possession taken: 25.01.2016)

988/2020	1446 sq. ft.	₹25,09,179/-	₹32,38,924/- Unsigned SOA	₹5,18,219/-			17.11.2014 (Possession taken: 28.02.2015)
991/2020		₹32,93,559/- - in pleadings No receipts	₹24,82,354/-	₹8,13,550/-			15.09.2017 (Possession taken: 09.03.2018)
992/2020	1576 sq. ft.	No amount mentioned No receipts	₹28,89,621/- Unsigned SOA	₹1,76,995/-	No dues issued on 09.05.2016	₹28,89,621/-	30.11.2017 (Possession taken: 11.12.2017)
993/2020	1576 sq. ft.	No receipts In pleadings paid ₹25,00,000/-	No SOA	No dues issued on 09.05.2016			09.10.2017 (Possession taken: 11.12.2017)
996/2020*	1446 sq. ft.	Receipts of ₹32,20,993/-	₹31,81,403/-	zero		₹31,81,403/-	05.03.2018 (Possession taken: 04.12.2017)
1041/2020	1164 sq. ft.	20,39,780 No reply No receipts	₹19,27,940/-	₹8,07,415/-		₹19,27,940/-	04.03.2014 (Possession taken: 18.10.2014)
1042/2020	1164 sq. ft.		₹18,04,200/-	₹4,32,436.51/-	₹7,21,636/- (₹4,32,436+₹2,89,200/-)	₹25,25,836/-	10.01.2017 (Possession taken: 08.02.2017)
1254/2020		receipts of ₹22,11,528/-	₹22,06,527.99/-	₹4,16,868/-	₹4,00,000/-	₹26,23,395/- (₹22,06,527+₹4,00,000/-)	15.07.2020 (Possession taken: 29.07.2017)
1255/2020		No receipts in complaint	₹31,66,156.21/-	₹5,84,049/-	₹2,01,500/-	₹33,67,656.21/- (₹31,66,156/-+₹2,01,500/-)	03.01.2017 (Possession taken: 14.02.2017)
1303/2020	1576 sq. ft.	No receipts	₹34,42,510/-	zero		₹34,42,510/-	04.02.2015 (Possession taken: 04.02.2015)

1304/2020	1268 sq. ft.	27,63,705/- No receipts in complaint	₹26,21,263/-	₹1,42,443/-		₹26,21,263/-	22.01.2016 (Possession taken: 22.01.2016)
1433/2020	1164 sq. ft.		₹19,54,380/-	₹6,30,464/-	₹6,70,522/-	₹26,24,902/-	12.07.2018 (Possession taken)

3. In all the complaints, complainants have placed on record original receipts/ documents as proof of payment having been made to the respondents.

4. Respondents have filed only a standardised reply denying in broad terms the payments having been made by complainants or possession having been lawfully handed over to them. Respondents have tried to state that documents presented by complainants are forged. Nothing at all has been placed on record by respondents in support of their arguments. Today, Sh. Gaurav Singla, learned counsel for the respondents is not present. His proxy counsel sought adjournment.

5. Authority in several other similarly placed cases had cast a responsibility on the respondents to produce evidence in support of their arguments that complainants have placed forged documents before Authority. Statements unsubstantiated by evidence or documents cannot be accepted.

6. Authority therefore is inclined to order execution of conveyance deeds in favour of complainants who have paid entire sale consideration and had been handed over possession by respondents themselves. Before such orders are finally passed, last opportunity is granted to respondents to produce any documentary evidence in support of their contentions, failing which views expressed by Authority herein will be confirmed and prayer of complainants for allowing execution of conveyance deeds will be allowed. No further opportunity will be granted to respondents.

7. Adjourned to 29.06.2022.

2. Respondent has been granted sufficient opportunities to produce any documentary evidence in support of his contentions that the complainants have placed on record forged documents with respect to payments made to the

respondent. No document has been placed on record by learned counsel for respondent despite availing sufficient opportunities. Learned counsel for the complainant has placed on record receipts/documents proving that the original amount and the balance due amount have been paid by the complainants to the respondent and nothing remains due towards them.

3. Today, Sh. Gaurav Singla, Counsel for the respondent marked his presence through video conference and stated that an email dated 22.05.2022 was sent by the respondent to the IRP for providing original file or photocopies of documents pertaining to residential flats sold to various allottees of the project in question and the same has been declined by IRP. Learned counsel for respondent has admitted all the payments are made through bank. Respondent is ready and willing to execute conveyance deeds in favour of complainants/allottees subject to the condition that they will clear all outstanding dues.

4. Authority has gone through the facts placed on file as well as the verbal submissions submitted by learned counsel for the complainants as well as verbal arguments put-forth by learned counsel for the respondent. It is observed by Authority that sufficient opportunities have been given to the respondents. Respondent has failed to rebut the contentions of the complainants and to produce any documentary evidence in support thereof. Learned counsel for the complainants have already placed on record the receipts/documents proving that the total sale consideration and balance due as shown in the table above, has



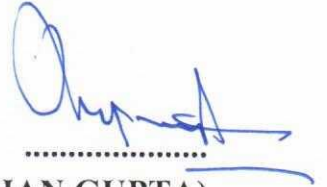
already been paid by all the complainants/allottees. Though complainants have paid entire consideration amount and possession has also been handed over to them, yet they are waiting for execution of conveyance deeds in their favour. They cannot force to wait more for their relief. Therefore, it is concluded that when possession of respective flats was handed over, all the accounts between the complainants/allottees and the respondents would have been settled. Respondent would not have handed over possession without receipt of entire due amounts. Accordingly, Authority will not take cognizance of mere verbal statements of counsel of the respondent that complainants have placed on record forged documents. In the light of this fact, complainants have a right to get the conveyance deeds executed in their favour immediately. Authority is therefore inclined to order execution of conveyance deeds in favour of all the complainants listed above.

5. Respondent is hereby directed to participate in getting conveyance deeds executed either by presenting themselves or by authorising a senior officer of the company to do the needful on their behalf within 45 days from uploading of the order on the website of the Authority. It is further ordered that if there is any dispute remains regarding outstanding dues pending against any party, same can be verified at the time of execution of conveyance deed.



Complaint Nos. 982,984,985,986,988,991,992,993,996,1041,1042,1254,1255,1303,1304,1433 of 2020

6. With these directions, cases are **disposed of**. Files be consigned to record room.



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(RAJAN GUPTA)
CHAIRMAN



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(DILBAG SINGH SIHAG)
MEMBER

