

PROCEEDINGS OF THE DAY

Day and Date	Tuesday and 26.03.2019
Complaint No.	2445/2018 Case Titled As Vineet Kumar Singhal V/S Ireo Private Limited
Complainant	Vineet Kumar Singhal
Represented through	Shri Yogesh Kumar Goyal and Ms. Yamini Mishra Advocates for the complainants
Respondent	M/S Ireo Private Limited
Respondent Represented through	Shri M.K.Dang Advocate for the respondent.
Last date of hearing	First hearing
Proceeding Recorded by	Naresh Kumari & S. L. Chanana

Proceedings

Project is not registered with the authority.

Since the project is not registered, as such, notice under section 59 of the Real Estate (Regulation & Development) Act, 2016, for violation of section 3(1) of the Act be issued to the respondent. Registration branch is directed to do the needful.

Shri Yogesh Kumar Goyal and Ms. Yamini Mishra Advocates have appeared on behalf of the complainants and filed authority letter today.

Arguments heard.

The case of the complainant is that he had booked a residential plot No.B1-18, admeasuring 299 square yards in project "Ireo City" Sector-60, Gurugram and BBA to this effect was executed inter-se the parties on 11.3.2013. By virtue of clause 11.1 of the BBA, the respondent was duty

bound to deliver the plot/unit to the complainant within a period of 36 months + six months grace period from the date of requisite approvals. As such, the due date of delivery of possession of the unit comes out to 14.08.2017 which has been computed from the date of issuance of consent to establish. Complainant has so far paid an amount of Rs.2,99,85,930/- against total sale consideration of Rs.3,33,60,145/- but till date, respondent has miserably failed to deliver the unit.

It has been brought on record by the counsel for the respondent that after notification of the land on 02.06.2009 under Section 4 of the Land Acquisition Act, 1894, khasra number of this land too had been notified by the Government and later on the same had been culled out of the notification by the Government vide Notification No. LAC(G)NTLA-2010/1557 dated 31.05.2010. However, the above stated notification lapsed after one year as a result of which the land became free. After that, vide order dated 01.11.2017, the Hon'ble Supreme Court has ordered a CBI inquiry in the matter and the matter is still under investigation of the CBI.

Counsel for the respondent has stated that respondent has applied for completion certificate, however, on account of above, no completion certificate can be issued by the competent authority.

As such, the matter is still under adjudication, no possession can be given to the complainant. However, the complainant is well within his right to seek refund.

Since the CBI Inquiry is pending in the matter and the Hon'ble Supreme Court has passed an order dated 07.01.2019 which is reproduced as under:-

“Further extension of four months time is granted to the Central Bureau of Investigation to prepare and file the final report in terms of order dated 01.11.2017 passed by this Court.”

Keeping in view the prevailing facts and circumstances of the matter, this authority has no option but to suspend the further proceedings in the matter awaiting the orders of the Apex Court.

File be consigned to the registry.

Samir Kumar
(Member)
26.03.2019

Subhash Chander Kush
(Member)