



HARERA
GURUGRAM

HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

New PWD Rest House, Civil Lines, Gurugram, Haryana

नया पी.डब्ल्यू.डी. विश्राम गृह, सिविल लाईंस, गुरुग्राम, हरियाणा

PROCEEDINGS OF THE DAY		65
Day and Date	Thursday and 28.07.2022	
Complaint No.	CR/2839/2020/3406/2019/1103/2020 Case titled as JITENDER MOHAN BATRA Vs DLF HOME DEVELOPERS LIMITED	
Complainant	JITENDER MOHAN BATRA	
Represented through	Col. M.S. Sehrawat Advocate	
Respondent	DLF HOME DEVELOPERS LIMITED	
Respondent Represented	Shri J.K. Dang Advocate	
Last date of hearing	20.05.2022	
Proceeding Recorded by	Naresh Kumari and HR Mehta	
Proceedings		
<p>The present complaint has been received from the adjudicating officer in view of the judgement dated 11.11.2021 in case titled - M/s Newtech Promoters and Developers pvt. Ltd. VS State of UP and Ors. Etc., 2021-2022 RCR (C), 357 and wherein it was held that as matters regarding refund and interest under section 18(1) are to be decided by the authority and matters regarding adjudging compensation are to be decided by the Adjudicating officer.</p> <p>It is submitted on behalf on behalf of the respondent that the land of the project being developed by them was a subject matter of dispute in case Rameshwar Vs. State of Haryana and others CA 8788 of 2015 decided on 18.03.2018 and a clarification appeal was pending in that case and wherein 21.07.2022 the following order has been passed by the Hon'ble apex court of the land and the relevant portion of that order is being reproduced as under:</p>		

An Authority constituted under section 20 the Real Estate (Regulation and Development) Act, 2016
Act No. 16 of 2016 Passed by the Parliament

भू-संपदा (विनियमन और विकास) अधिनियम, 2016 की धारा 20 के अर्तगत गठित प्राधिकरण
भारत की संसद द्वारा पारित 2016 का अधिनियम संख्यांक 16

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With respect to Express Greens (DLF), contentions to exclude the project from the deemed award are rejected. It is directed that:

(i) HSIIDC shall complete the process of validating the title of allottees, including the title to the undivided and proportionate land share, within six months from the date of this judgment.

(ii) HSIIDC shall notify the balance allottees about the execution of sale deed - the process of execution and registration of sale deed to be completed within six months from the date of this judgment. HSIIDC shall ensure that a designated nodal officer is deployed to scrutinize the relevant documents and facilitate the execution of such sale deeds; and

(iii) All rights, title and interest in respect of the unsold 39 townhouses in the independent floors vests with the HSIIDC, which shall deal with them in accordance with its policies and applicable laws. Likewise, in case of unsold apartments, all rights, title and interest shall vest with HSIIDC.

(iv) With respect to 96 apartments on the 15 th tower which have been completed but no occupation certificate has yet been issued, the DTCP shall ensure due inspection and decision on the pending occupation certificates. HSIIDC to complete any deficiency that has to be rectified.

(v) With respect to club houses and boundary wall in sector M-1 and M-

1(A), the HSIIDC is directed to take up work immediately and complete the same with eighteen months from the date of this judgment.



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(vi) All unconstructed and unallotted portions as well as construction rights (such as FAR) in respect of unconstructed, unallotted plots etc., including two school sites, shall vest absolutely with HSIIDC. HSIIDC is entitled to develop these areas in accordance with its policies within the framework of the applicable Master Plan development laws. DLF is entitled to collect amounts, if any, in terms of the main judgment of this Court. It shall hand over all records relating to the allottees, and technical data, pertaining to the entire project to HSIIDC within one month from the date of this judgment.

It is also pleaded on behalf of the respondent that they have offered alternative unit to the complainant in the project namely "The Ultima" situated in sector Ultima Phase II Sector 81, Gurugram. But that offer is not acceptable to the complainant. So in view in directions passed by the Hon'ble Apex Court and in the above noted case, The complainant may approach HSIIDC for the desired relief and the complainant filed before this authority is not maintainable.

The matter stands disposed off. File be consigned to the registry.

V.I-3

Vijay Kumar Goyal
Member

Dr. KK Khandelwal
Chairman
28.07.2022