

PROCEEDINGS OF THE DAY

Day and Date	Thursday and 25.04.2019
Complaint No.	1752/2018 Case Titled As Ishan Gupta V/S Ireo Grace Realtech Pvt. Ltd.
Complainant	Ishan Gupta
Represented through	Mr Ritesh Sexena, Advocate
Respondent	M/S Ireo Grace Realtech Pvt. Ltd.
Respondent Represented	Shri M.K.Dang Advocate for respondent
Last date of hearing	03.04.2019
Proceeding Recorded by	Naresh Kumari & S. L. Chanana

Proceedings

Project is registered with the authority.

Arguments heard.

By virtue of this complaint, the complainant seeks directions of this authority against the respondent to refund an amount of Rs.1,34,83,220/- deposited with respondent for purchase of unit/flat No. 603, 6th floor, Tower C-9, in project "The Corridors" Sector 67-A, Gurugram. In terms of clause 13.3 of the BBA executed inter se the parties, the respondent was obligated to hand over the booked unit complete in all respects to the complainant within a period of 42 months+six month grace period which comes out to 27.11.2018. Till date, no possession has been offered to the complainant.

Counsel for the respondents submits as per terms of the BBA, this complaint is not maintainable before the authority as the BBA was executed inter se the parties prior to the enactment of the Real Estate(Regulation and Development) Act, 2016 and provisions of the same cannot be enforced retrospectively. It has further been stated by the counsel for the respondent that the complainant has already filed a complaint No.1128/2018 before the National Commission which is still to be adjudicated which clearly shows that the matter is sub-judice before the National Commission and the complainant cannot be allowed to seek remedies before the two fora.

Considering all the facts and circumstances of the matter, complainant is directed to first withdraw the complaint from the National Consumer Disputes Redressal Commission on his own volition with liberty file a fresh complaint before this authority.

Complaint stands disposed of in above terms. File be consigned to the registry.

Samir Kumar
(Member)
25.04.2019

Subhash Chander Kush
(Member)