

PROCEEDINGS OF THE DAY

| | |
|--------------------------------|---|
| Day and Date | Tuesday and 11.09.2018 |
| Complaint No. | 232/2018 Case titled as Mr. Behari Lal Bakshi V/s M/s VSR Infratech Pvt. Ltd |
| Complainant | Mr. Behari Lal Bakshi |
| Represented through | Complainant in person |
| Respondent | M/s VSR Infratech Pvt. Ltd |
| Respondent Represented through | Shri Amarjeet Kumar and Ms. Shriya Takkar, Advocates for the respondent |
| Last date of hearing | 7.8.2018 |

Proceedings

The project is registered.

Part arguments heard.

The complainant has booked a commercial unit in the project in Sector 68, Gurugram on 30.12.2011. The respondent submits that they have applied for occupation certificate but due to High Court order dated 16.7.2015, the respondent could not get the occupation certificate. The Space Buyer Agreement was executed between the parties on 22.11.2013. and as per agreement the due date of possession was 22.2.2017. The respondent is directed to submit the following details:-

- (i) Whether the respondent has filed an application for occupation certificate and the same is complete in all respect or not on an affidavit;
- (ii) the details/status of the licence;
- (iii) details of super area/carpet area

- (iv) status of environment clearance
(v) details of building layout plan.

Case is adjourned for 3.10.2018 for remaining arguments.

Samir Kumar
(Member)

Subhash Chander Kush
(Member)

Dr. K.K. Khandelwal
(Chairman)
11.09.2018

PROCEEDINGS OF THE DAY

| | |
|--------------------------------|---|
| Day and Date | Tuesday and 11.09.2018 |
| Complaint No. | 145/2018 Case titled as Ms. Pushpa Gupta V/S M/s VSR Infretech Pvt. Ltd |
| Complainant | Ms. Pushpa Gupta |
| Represented through | Complainant in person |
| Respondent | M/s VSR Infretech Pvt. Ltd |
| Respondent Represented through | Shri Amarjeet Kumar and Ms. Shriya Takkar, Advocates for the respondent |
| Last date of hearing | 7.8.2018 |

Proceedings

The project is registered.

Part arguments heard.

The complainant booked a commercial unit in Sector 68, Gurugram on 19.1.2012. The Space Buyer Agreement was executed between the parties on 25.6.2013 and as per agreement the due date of possession was 25.9.2016. It was a construction linked plan. The respondent is directed to submit the following details in the shape of affidavit:-

- (i) Whether the respondent has applied for occupation certificate or not, as to why the amount should not be refunded to the buyer
- (ii) the details/status of the licence;
- (iii) Respondent is directed to submit the calculation sheet/details of super area/carpet area

New PWD Rest House, Civil Lines, Gurugram, Haryana नया पी.डब्ल्यू.डी. विश्राम गृह, सिविल लाईंस, गुरुग्राम, हरियाणा

(iv) status of environment clearance

(v) details of building layout plan.

Case is adjourned for 3.10.2018 for remaining arguments.

Samir Kumar
(Member)

Subhash Chander Kush
(Member)

Dr. K.K. Khandelwal
(Chairman)
11.09.2018

| PROCEEDINGS OF THE DAY | |
|---|---|
| Day and Date | Tuesday and 11.09.2018 |
| Complaint No. | 437/2018 Case titled as Mr. Hari Om Sharma V/s M/s Anant Raj Pvt. Ltd |
| Complainant | Mr. Hari Om Sharma |
| Represented through | Shri Mukul Kaushik on behalf of the complainant. |
| Respondent | M/s Anant Raj Pvt. Ltd |
| Respondent Represented through | Suhael Buttan, Advocate for the respondent |
| Last date of hearing | 7.8.2018 |
| Proceedings | |
| <p>Today the case was fixed for arguments but the counsel for the complainant submitted that similarly situated complaints have already been fixed for hearing on 11.10.2018 and this matter be also listed for that date. On his request, matter is fixed for 11.10.2018 for arguments. Both the parties are directed to submit their written arguments within one week.</p> | |
| Samir Kumar (Member) | Subhash Chander Kush (Member) |
| Dr. K.K. Khandelwal (Chairman) 11.09.2018 | |

PROCEEDINGS OF THE DAY

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|--------------------------------|--|
| Day and Date | Tuesday and 11.09.2018 |
| Complaint No. | 300/2018 Case titled as Mr. Vikas Bansal V/s M/s Ramprastha Sare Reality Pvt. Ltd. & Another |
| Complainant | Mr. Vikas Bansal |
| Represented through | Complainant in person with Shri Y.K.Sharma, Advocate |
| Respondent | M/s Ramprastha Sare Reality Pvt. Ltd. & Anrs. |
| Respondent Represented through | Shri Manoj Kumar, Advocate for the respondent. |
| Last date of hearing | 18.7.2018 |

Proceedings

Today the case was fixed for arguments but both the counsel for the parties requested to grant time to argue the matter. On their joint request, the case is adjourned for 25.9.2018 for arguments.

Samir Kumar
(Member)

Subhash Chander Kush
(Member)

Dr. K.K. Khandelwal
(Chairman)
11.09.2018

PROCEEDINGS OF THE DAY

| | |
|--------------------------------|---|
| Day and Date | Tuesday and 11.09.2018 |
| Complaint No. | 16/2018 Case titled as Mr. Sameer Yadav V/s M/s Abw Infrastructure Ltd. |
| Complainant | Mr. Sameer Yadav |
| Represented through | Complainant in person |
| Respondent | M/s Abw Infrastructure Ltd. |
| Respondent Represented through | None for the respondent |
| Last date of hearing | 25.7.2018 |

Proceedings

Today the case was fixed for arguments but the complainant has requested to grant time to argue the matter. On his request, the case is adjourned for 25.9.2018 for arguments. Intimation be sent to the respondent. Registry is directed to do the needful.

Samir Kumar
(Member)

Subhash Chander Kush
(Member)

Dr. K.K. Khandelwal
(Chairman)
11.09.2018

PROCEEDINGS OF THE DAY

| | |
|--------------------------------|---|
| Day and Date | Tuesday and 11.09.2018 |
| Complaint No. | 47/2018 Case titled as Mr. Umesh Gupta V/S M/s Mascot Buildcon Pvt. Ltd. |
| Complainant | Mr. Umesh Gupta |
| Represented through | Complainant in person with Shri Vineet Sehgal, Advocate |
| Respondent | M/s Mascot Buildcon Pvt. Ltd. |
| Respondent Represented through | Shri Gulshan Sharma Advocate for respondent No.1 and Shri Sandeep Singh Advocate for respondent No.2. |
| Last date of hearing | 25.7.2018 |

Proceedings

Today the case was fixed for arguments but the counsel for the respondents have requested to grant time to advance arguments. On their joint request, the case is adjourned to 3.10.2018 for arguments.

Counsel for the complainant has already filed written submissions.

Samir Kumar
(Member)

Subhash Chander Kush
(Member)

Dr. K.K. Khandelwal
(Chairman)
11.09.2018

| PROCEEDINGS OF THE DAY | |
|---|---|
| Day and Date | Tuesday and 11.09.2018 |
| Complaint No. | 218/2018 Case titled as Mr. Abhineet Agarwal & Anr. V/s Chd Developers Ltd.& others |
| Complainant | Mr. Abhineet Agarwal & Anr. |
| Represented through | Complainant in person with Mr. Keshri Advocate |
| Respondent | Chd Developers Ltd.& others |
| Respondent Represented through | Shri Anubhav Almadi Advocate for the respondent. |
| Last date of hearing | 23.8.2018 |
| Proceedings | |
| <p>Today the case was fixed for arguments but both the counsel for the parties requested to grant time to argue the matter. On their joint request, the case is adjourned for 27.9.2018 for arguments. Complainant has already filed written submissions.</p> | |
| Samir Kumar (Member) | Subhash Chander Kush (Member) |
| Dr. K.K. Khandelwal (Chairman) 11.09.2018 | |

PROCEEDINGS OF THE DAY

| | |
|--------------------------------|--|
| Day and Date | Tuesday and 11.09.2018 |
| Complaint No. | 241/2018 Case titled as Ms. Suman Rai Khatri V/s M/s Anjali Promoters & Developers Pvt. Ltd. |
| Complainant | Ms. Suman Rai Khatri |
| Represented through | Shri Garv Malhotra Advocate for the complainant |
| Respondent | M/s Anjali Promoters & Developers Pvt. Ltd. |
| Respondent Represented through | Shri Sushank Bhushan Advocate for the respondent |
| Last date of hearing | 12.7.2018 |

Proceedings

Counsel for the complainant has filed details regarding payment by the complainant. Today the case was fixed for arguments but both the counsel for the parties requested to grant time to argue the matter. On their joint request, the case is adjourned for 16.10.2018 for arguments.

Samir Kumar
(Member)

Subhash Chander Kush
(Member)

Dr. K.K. Khandelwal
(Chairman)
11.09.2018

| PROCEEDINGS OF THE DAY | |
|---|--|
| Day and Date | Tuesday and 11.09.2018 |
| Complaint No. | 332/2018 Case titled as Mr. Navneet & Another V/s M/s Ansal Housing & Construction Ltd |
| Complainant | Mr. Navneet & Another |
| Represented through | |
| Respondent | M/s Ansal Housing & Construction Ltd |
| Respondent Represented through | |
| Last date of hearing | |
| Proceedings | |
| The | |
| Samir Kumar (Member) | Subhash Chander Kush (Member) |
| Dr. K.K. Khandelwal (Chairman) 11.09.2018 | |

| PROCEEDINGS OF THE DAY | |
|---|--|
| Day and Date | Tuesday and 11.09.2018 |
| Complaint No. | 335/2018 Case titled as Mr. Suren Goel V/s M/s Universal Buildwell Pvt. Ltd. |
| Complainant | Mr. Suren Goel |
| Represented through | |
| Respondent | M/s Universal Buildwell Pvt. Ltd. |
| Respondent Represented through | |
| Last date of hearing | |
| Proceedings | |
| The | |
| Samir Kumar (Member) | Subhash Chander Kush (Member) |
| Dr. K.K. Khandelwal (Chairman) 11.09.2018 | |

| PROCEEDINGS OF THE DAY | |
|---|--|
| Day and Date | Tuesday and 11.09.2018 |
| Complaint No. | 336/2018 Case titled as Ms. Sapna Jain V/s M/s Universal Buildwell Pvt. Ltd. |
| Complainant | Ms. Sapna Jain |
| Represented through | |
| Respondent | M/s Universal Buildwell Pvt. Ltd. |
| Respondent Represented through | |
| Last date of hearing | |
| Proceedings | |
| The | |
| Samir Kumar (Member) | Subhash Chander Kush (Member) |
| Dr. K.K. Khandelwal (Chairman) 11.09.2018 | |

| PROCEEDINGS OF THE DAY | |
|---|--|
| Day and Date | Tuesday and 11.09.2018 |
| Complaint No. | 337/2018 Case titled as Mr. Suren Goel Vs. M/s Universal Buildwell Pvt. Ltd. |
| Complainant | Mr. Suren Goel |
| Represented through | |
| Respondent | M/s Universal Buildwell Pvt. Ltd. |
| Respondent Represented through | |
| Last date of hearing | |
| Proceedings | |
| The | |
| Samir Kumar (Member) | Subhash Chander Kush (Member) |
| Dr. K.K. Khandelwal (Chairman) 11.09.2018 | |

| PROCEEDINGS OF THE DAY | |
|---|---|
| Day and Date | Tuesday and 11.09.2018 |
| Complaint No. | 339/2018 Case titled as Mr. Aseem Sadan & Another V/s M/s Universal Buildwell Pvt.Ltd |
| Complainant | Mr. Aseem Sadan & Another |
| Represented through | |
| Respondent | M/s Universal Buildwell Pvt.Ltd |
| Respondent Represented through | |
| Last date of hearing | |
| Proceedings | |
| The | |
| Samir Kumar (Member) | Subhash Chander Kush (Member) |
| Dr. K.K. Khandelwal (Chairman) 11.09.2018 | |

| PROCEEDINGS OF THE DAY | |
|---|--|
| Day and Date | Tuesday and 11.09.2018 |
| Complaint No. | 369/2018 Case titled as Ms. Nidhi Bablani V/s M/s Universal Buildwell Pvt. Ltd. & Anr |
| Complainant | Ms. Nidhi Bablani |
| Represented through | |
| Respondent | M/s Universal Buildwell Pvt. Ltd. & Anr |
| Respondent Represented through | |
| Last date of hearing | |
| Proceedings | |
| The | |
| Samir Kumar (Member) | Subhash Chander Kush (Member) |
| Dr. K.K. Khandelwal (Chairman) 11.09.2018 | |

| PROCEEDINGS OF THE DAY | |
|---|--|
| Day and Date | Tuesday and 11.09.2018 |
| Complaint No. | 328/2018 Case titled as Mr. Soji Ram Meena V/S M/s Ramprastha Group Limited |
| Complainant | Mr. Soji Ram Meena |
| Represented through | |
| Respondent | M/s Ramprastha Group Limited |
| Respondent Represented through | |
| Last date of hearing | |
| Proceedings | |
| The | |
| Samir Kumar (Member) | Subhash Chander Kush (Member) |
| Dr. K.K. Khandelwal (Chairman) 11.09.2018 | |

| PROCEEDINGS OF THE DAY | |
|---|---|
| Day and Date | Tuesday and 11.09.2018 |
| Complaint No. | 433/2018 Case titled as Mr. Mohit Manchanda V/s M/s BPTP Ltd. |
| Complainant | Mr. Mohit Manchanda |
| Represented through | |
| Respondent | M/s BPTP Ltd. |
| Respondent Represented through | |
| Last date of hearing | |
| Proceedings | |
| The | |
| Samir Kumar (Member) | Subhash Chander Kush (Member) |
| Dr. K.K. Khandelwal (Chairman) 11.09.2018 | |

| PROCEEDINGS OF THE DAY | |
|---|---|
| Day and Date | Tuesday and 11.09.2018 |
| Complaint No. | 395/2018 Case titled as Ms. Anupma Rastogi & Other V/s M/s Spire Developers Pvt. Ltd. & other |
| Complainant | Ms. Anupma Rastogi & Other |
| Represented through | |
| Respondent | M/s Spire Developers Pvt. Ltd. & other |
| Respondent Represented through | |
| Last date of hearing | |
| Proceedings | |
| The | |
| Samir Kumar (Member) | Subhash Chander Kush (Member) |
| Dr. K.K. Khandelwal (Chairman) 11.09.2018 | |

| PROCEEDINGS OF THE DAY | |
|---|---|
| Day and Date | Tuesday and 11.09.2018 |
| Complaint No. | 511/2018 Case titled as Ms. Kiran Rai Khatri V/s M/s Anjali Promoters and Developers Limited. |
| Complainant | Ms. Kiran Rai Khatri |
| Represented through | |
| Respondent | M/s Anjali Promoters and Developers Ltd. |
| Respondent Represented through | |
| Last date of hearing | |
| Proceedings | |
| The | |
| Samir Kumar (Member) | Subhash Chander Kush (Member) |
| Dr. K.K. Khandelwal (Chairman) 11.09.2018 | |

New PWD Rest House, Civil Lines, Gurugram, Haryana नया पी.डब्ल्यू.डी. विश्राम गृह, सिविल लाईंस, गुरुग्राम, हरियाणा

| PROCEEDINGS OF THE DAY | |
|---|--|
| Day and Date | Tuesday and 11.09.2018 |
| Complaint No. | 512/2018 Case titled as Sh. Narender Pal Riat V/s M/s Anjali Promoters and Developers Ltd. |
| Complainant | Sh. Narender Pal Riat |
| Represented through | |
| Respondent | M/s Anjali Promoters and Developers Ltd. |
| Respondent Represented through | |
| Last date of hearing | |
| Proceedings | |
| The | |
| Samir Kumar (Member) | Subhash Chander Kush (Member) |
| Dr. K.K. Khandelwal (Chairman) 11.09.2018 | |

| PROCEEDINGS OF THE DAY | |
|---|--|
| Day and Date | Tuesday and 11.09.2018 |
| Complaint No. | 513/2018 Case titled as Mr. Vastuvidha (India) LLP V/s M/s Oasis Landmark LLP & Anr. |
| Complainant | Mr. Vastuvidha (India) LLP |
| Represented through | |
| Respondent | M/s Oasis Landmark LLP & Anr. |
| Respondent Represented through | |
| Last date of hearing | |
| Proceedings | |
| The | |
| Samir Kumar (Member) | Subhash Chander Kush (Member) |
| Dr. K.K. Khandelwal (Chairman) 11.09.2018 | |

| PROCEEDINGS OF THE DAY | |
|---|---|
| Day and Date | Tuesday and 11.09.2018 |
| Complaint No. | 514/2018 Case titled as Ms. Shamshinda V/s M/s Earth Galleria Pvt. Ltd. & Anr |
| Complainant | Ms. Shamshinda |
| Represented through | |
| Respondent | M/s Earth Galleria Pvt. Ltd. & Anr |
| Respondent Represented through | |
| Last date of hearing | |
| Proceedings | |
| The | |
| Samir Kumar (Member) | Subhash Chander Kush (Member) |
| Dr. K.K. Khandelwal (Chairman) 11.09.2018 | |

| PROCEEDINGS OF THE DAY | |
|---|--|
| Day and Date | Tuesday and 11.09.2018 |
| Complaint No. | 515/2018 Case titled as Mr. Kulbushan Raj Bali V/s M/s VSR Infratech Pvt. Ltd. |
| Complainant | Mr. Kulbushan Raj Bali |
| Represented through | |
| Respondent | M/s VSR Infratech Pvt. Ltd. |
| Respondent Represented through | |
| Last date of hearing | |
| Proceedings | |
| The | |
| Samir Kumar (Member) | Subhash Chander Kush (Member) |
| Dr. K.K. Khandelwal (Chairman) 11.09.2018 | |

| PROCEEDINGS OF THE DAY | |
|---|--|
| Day and Date | Tuesday and 11.09.2018 |
| Complaint No. | 516/2018 Case titled as Ms. Smriti Sharma & Anr. V/s M/s Unitech Limited |
| Complainant | Ms. Smriti Sharma & Anr. |
| Represented through | |
| Respondent | M/s Unitech Limited |
| Respondent Represented through | |
| Last date of hearing | |
| Proceedings | |
| The | |
| Samir Kumar (Member) | Subhash Chander Kush (Member) |
| Dr. K.K. Khandelwal (Chairman) 11.09.2018 | |

| PROCEEDINGS OF THE DAY | |
|---|---|
| Day and Date | Tuesday and 11.09.2018 |
| Complaint No. | 517/2018 Case titled as Mr. Ashok Kumar Nagpal & Anr. V/s M/s Universal Buildwell Private Limited |
| Complainant | Mr. Ashok Kumar Nagpal & Anr. |
| Represented through | |
| Respondent | M/s Universal Buildwell Private Limited |
| Respondent Represented through | |
| Last date of hearing | |
| Proceedings | |
| The | |
| Samir Kumar (Member) | Subhash Chander Kush (Member) |
| Dr. K.K. Khandelwal (Chairman) 11.09.2018 | |

| PROCEEDINGS OF THE DAY | |
|---|---|
| Day and Date | Tuesday and 11.09.2018 |
| Complaint No. | 518/2018 Case titled as Mr. Nitin Garg V/s M/s Umang Realtech Pvt. Ltd. |
| Complainant | Mr. Nitin Garg |
| Represented through | |
| Respondent | M/s Umang Realtech Pvt. Ltd. |
| Respondent Represented through | |
| Last date of hearing | |
| Proceedings | |
| The | |
| Samir Kumar (Member) | Subhash Chander Kush (Member) |
| Dr. K.K. Khandelwal (Chairman) 11.09.2018 | |

| PROCEEDINGS OF THE DAY | |
|---|---|
| Day and Date | Tuesday and 11.09.2018 |
| Complaint No. | 519/2018 Case titled as Mr. Atul Jain V/s M/s Emaar MGF Land Ltd. |
| Complainant | Mr. Atul Jain |
| Represented through | |
| Respondent | M/s Emaar MGF Land Ltd. |
| Respondent Represented through | |
| Last date of hearing | |
| Proceedings | |
| The | |
| Samir Kumar (Member) | Subhash Chander Kush (Member) |
| Dr. K.K. Khandelwal (Chairman) 11.09.2018 | |

| PROCEEDINGS OF THE DAY | |
|---|---|
| Day and Date | Tuesday and 11.09.2018 |
| Complaint No. | 520/2018 Case titled as Ms. Meenakshi Dewan & Anr. V/s M/S Adel Landmark Pvt. Ltd. & Anr. |
| Complainant | Ms. Meenakshi Dewan & Anr. |
| Represented through | |
| Respondent | M/S Adel Landmark Pvt. Ltd. & Anr. |
| Respondent Represented through | |
| Last date of hearing | |
| Proceedings | |
| The | |
| Samir Kumar (Member) | Subhash Chander Kush (Member) |
| Dr. K.K. Khandelwal (Chairman) 11.09.2018 | |

| PROCEEDINGS OF THE DAY | |
|---|---|
| Day and Date | Tuesday and 11.09.2018 |
| Complaint No. | 521/2018 Case titled as Mr. Jatin Khetarpal V/s M/s Blackberry Realcon Pvt. Ltd. |
| Complainant | Mr. Jatin Khetarpal |
| Represented through | |
| Respondent | M/s Blackberry Realcon Pvt. Ltd. |
| Respondent Represented through | |
| Last date of hearing | |
| Proceedings | |
| The | |
| Samir Kumar (Member) | Subhash Chander Kush (Member) |
| Dr. K.K. Khandelwal (Chairman) 11.09.2018 | |

| PROCEEDINGS OF THE DAY | |
|---|---|
| Day and Date | Tuesday and 11.09.2018 |
| Complaint No. | 522/2018 Case titled as Mr. Raj Kumar Kansal V/s M/s Landmark Apartments Pvt. Ltd. & Anr. |
| Complainant | Mr. Raj Kumar Kansal |
| Represented through | |
| Respondent | M/s Landmark Apartments Pvt. Ltd. & Anr. |
| Respondent Represented through | |
| Last date of hearing | |
| Proceedings | |
| The | |
| Samir Kumar (Member) | Subhash Chander Kush (Member) |
| Dr. K.K. Khandelwal (Chairman) 11.09.2018 | |

| PROCEEDINGS OF THE DAY | |
|---|--|
| Day and Date | Tuesday and 11.09.2018 |
| Complaint No. | 523/2018 Case titled as Mr. Satya Narain Singla HUF V/s M/s Landmark Apartments Pvt. Ltd. & Anr. |
| Complainant | Mr. Satya Narain Singla HUF |
| Represented through | |
| Respondent | M/s Landmark Apartments Pvt. Ltd. & Anr. |
| Respondent Represented through | |
| Last date of hearing | |
| Proceedings | |
| The | |
| Samir Kumar (Member) | Subhash Chander Kush (Member) |
| Dr. K.K. Khandelwal (Chairman) 11.09.2018 | |

| PROCEEDINGS OF THE DAY | |
|---|--|
| Day and Date | Tuesday and 11.09.2018 |
| Complaint No. | 524/2018 Case titled as Mr. Amit Pal Pujji & Anr. V/s M/s Supertech Limited. |
| Complainant | Mr. Amit Pal Pujji & Anr. |
| Represented through | |
| Respondent | M/s Supertech Limited. |
| Respondent Represented through | |
| Last date of hearing | |
| Proceedings | |
| The | |
| Samir Kumar (Member) | Subhash Chander Kush (Member) |
| Dr. K.K. Khandelwal (Chairman) 11.09.2018 | |

| PROCEEDINGS OF THE DAY | |
|---|--|
| Day and Date | Tuesday and 11.09.2018 |
| Complaint No. | 525/2018 Case titled as Mr. Navneet Kumar Bajaj V/s M/s Adel Landmarks Ltd. & Anr. |
| Complainant | Mr. Navneet Kumar Bajaj |
| Represented through | |
| Respondent | M/s Adel Landmarks Ltd. & Anr. |
| Respondent Represented through | |
| Last date of hearing | |
| Proceedings | |
| The | |
| Samir Kumar (Member) | Subhash Chander Kush (Member) |
| Dr. K.K. Khandelwal (Chairman) 11.09.2018 | |

PROCEEDINGS OF THE DAY

| | |
|--------------------------------|--|
| Day and Date | Tuesday and 11.09.2018 |
| Complaint No. | 526/2018 Case titled as Mr. Ramesh Kumar & Anr. V/s M/s Landmark Apartment Pvt. Ltd. |
| Complainant | Mr. Ramesh Kumar & Anr. |
| Represented through | |
| Respondent | M/s Landmark Apartment Pvt. Ltd. |
| Respondent Represented through | |
| Last date of hearing | |

Proceedings

The

Samir Kumar
(Member)

Dr. K.K. Khandelwal
(Chairman)
11.09.2018

Subhash Chander Kush
(Member)

| PROCEEDINGS OF THE DAY | |
|--------------------------------|---|
| Day and Date | Tuesday and 11.09.2018 |
| Complaint No. | 527/2018 Case titled as Mr. Sanjay Jain V/s M/s Emaar MGF Land Ltd. |
| Complainant | Mr. Sanjay Jain |
| Represented through | |
| Respondent | M/s Emaar MGF Land Ltd. |
| Respondent Represented through | |
| Last date of hearing | |

Proceedings

The

Samir Kumar
(Member)

Dr. K.K. Khandelwal
(Chairman)
11.09.2018

Subhash Chander Kush
(Member)

| PROCEEDINGS OF THE DAY | |
|---|---|
| Day and Date | Tuesday and 11.09.2018 |
| Complaint No. | 528/2018 Case titled as Ms. Shallu Jain V/s M/s Emaar MGF Land Ltd. |
| Complainant | Ms. Shallu Jain |
| Represented through | |
| Respondent | M/s Emaar MGF Land Ltd. |
| Respondent Represented through | |
| Last date of hearing | |
| Proceedings | |
| The | |
| Samir Kumar (Member) | Subhash Chander Kush (Member) |
| Dr. K.K. Khandelwal (Chairman) 11.09.2018 | |

| PROCEEDINGS OF THE DAY | |
|---|---|
| Day and Date | Tuesday and 11.09.2018 |
| Complaint No. | 529/2018 Case titled as Ms. Manisha Sharma & Anr. V/s M/s VSR Infratech Limited |
| Complainant | Ms. Manisha Sharma & Anr. |
| Represented through | |
| Respondent | M/s VSR Infratech Limited |
| Respondent Represented through | |
| Last date of hearing | |
| Proceedings | |
| The | |
| Samir Kumar (Member) | Subhash Chander Kush (Member) |
| Dr. K.K. Khandelwal (Chairman) 11.09.2018 | |

Arguments heard.

The complainant is asking for compensation.

The respondent has applied for registration with the authority.

The counsel for the respondent has submitted that BBA is not executed between the parties and it would be executed after the completion of the project.

Issue No.1:

Whether the respondent/developer have taken necessary clearance. No such list has been provided regarding taking necessary clearance from the concerned authority by the respondent, although counsel for the complainant intimated that the licence of the project is not valid as on date and at the same time, registration certificate has not been issued. These facts were admitted by the counsel for the respondent. Counsel for the respondent apprised that they have applied for renewal of licence and have also applied for registration under RERA but because of the fact that the company has gone into liquidation vide order dated 5.7.2018 that the respondent does not dissipate any assets and the same are taken over by the official liquidator. Counsel for the complainant produced a copy of the order dated 25.7.2018 of Hon'ble High Court of Delhi on an application filed by the company against the orders of liquidation. The Hon'ble High Court stayed the appointment of Provisional Liquidator.

- (i) All necessary clearances/approval are not available with the respondent whatsoever and the licence has not been renewed so far and the project is also incomplete.
- (ii) The respondents have not applied for occupation certificate/completion certificate, accordingly, they are not in a position to deliver the physical possession of the unit.

- (iii) Regarding title of the land, counsel for the respondent was unable to produce any record, accordingly, this issue shall be decided in negative.
- (iv) Yes, the project is still incomplete as mentioned in issue No.2. Accordingly, the respondent has failed to complete the project and offer possession even after 7 years from the booking.

The respondent's counsel has made a statement that because of the SEBI order, they have not been able to complete the construction and give possession.

Nothing specific has been brought out by the counsel for the complainant, accordingly, this issue is decided in negative.

Counsel for the respondent mentioned that there was a legal assured return agreement wherein necessary details about the project and possession have been mentioned, so the same is at par with the Builder Buyer Agreement. Once the project is complete and possession is handed over, conveyance deed will be executed by the respondent.

Counsel for the respondent mentioned that the project is 84% complete whereas counsel for the complainant stated that the project is 92% complete. Accordingly, it cannot be said that funds have been diverted as the project is nearly completion and nothing on the record has been produced by the counsel for the complainant.

Counsel for the complainant has stated that as per agreement, payment of the assured return was made by the respondent for some time but later on the respondent stopped making payment and at the same time, some of the cheques given by them were bounced.

Counsel for the complainant brought to the notice of the authority that they stopped paying assured return from 19.11.2013 whereas interim SEBI order has come into effect on 26.9.2013 which was later on confirmed with the final order on 19.12.2014. Yes. This issue is decided in affirmative. The developer has violated the assured return agreement.

Counsel for the complainant acceded that this is not legal, accordingly, this issue was withdrawn.

As far as relief no.1 is concerned, to provide all the details of the allottees in India Business Centre with addresses and all other relevant information. The respondents have already applied for registration and in the application for registration all such details which are necessarily required by any allottee have been provided. Accordingly the respondent is directed to submit details of the project within 15 days from the issue of this order otherwise legal proceedings shall be initiated against them.

Regarding issue No.2: registration branch shall initiate penal action for not registering the project under RERA within the requisite time.

The project was complete to the extent of 85% in August 2013 and because of the SEBI order, the project could not be completed and the possession could not be handed over to the complainant.

As agreed by both the counsel for the respondent as well as complainant, the project was at least complete to the extent of 84% in August 2013. Subsequently, the SEBI passed an order on 26.9.2013. The operative part in para No.12 of the order of the SEBI dated 26.9.2013 is as under:-

“ In view of the fore-going, I , in exercise of the powers conferred upon me under sections 11 (1), 11(B) and 11 (4) of the SEBI act read with Regulation 65 of CIS Regulations, hereby direct MVL and its Directors, viz Shri Prem Adip Rishi, Shri Praveen Kumar, Shri Rakesh Gupta, Shri Vinod Malik, Shri Vinod Kumar Khurana, Shri Vijay Kumar Sood and Ms. Kalpana Gupta,

- a. Not to collect any more money from investors including under the existing IBC Project;
- b. Not to launch any new schemes
- c. Not to dispose of any of the properties or alienate any of the assets of the IBC Project;
- d. Not to divert any funds raised from public under the IBC Project, which are kept in bank account(s) and/or in the custody of the company.

Later on SEBI in their final order dated 19.12.2014 held that this project is not purely a real estate transaction, rather it specified all the ingredients of the CIS. Para No.10 of the said judgment is as under:-

Para No.10:

This decision has been challenged by the respondent in Securities Appellate Tribunal (SAT) in appeal No.157 of 2015.

Keeping in view the facts and circumstances of the case, when even the basic issue whether it is a real estate project or collective investment scheme has been challenged in SAT in appeal and SEBI has already held that this being a collective scheme is without their approval. SEBI had ordered that all the money alongwith interest be returned to the investors. The remedy with the Real Estate Regulatory Authority is also more or less on the same pattern i.e. in case of failure to give possession by the due date, the allottee shall be refunded the money paid by him to the promoter alongwith prescribed rate. As the matter has already with the SEBI/SAT, accordingly there is no case for the present and further proceeding in the matter. Let the issue be decided by the SEBI/SAT. Once the SAT set aside the order of the SEBI then only allottee may come to us for proceeding under the RERA Act.

The promoters are hereby directed to complete the application submitted by them for registration within next 15 days otherwise penal proceedings shall be initiated against them.

The complainant is at liberty to approach before this forum if the matter is settled by SAT and there remains the rights of the allottees under the RERA Act to take possession from the promoter. Order is pronounced. Detailed order will follow. File be consigned to the record room.