



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

Day and Date	Wednesday and 21.08.2019
Complaint No.	1417/2018 Case titled as Nitin Jain Vs Emaar MGF Land Ltd.
Complainant	Nitin Jain
Represented through	Shri Sushil Yadav Advocate
Respondent	Emaar MGF Land Limited
Respondent Represented through	Shri Ketan Luthra, AR on behalf of the respondent with Shri Dheeraj Kapoor Advocate
Last date of hearing	9.8.2019
Proceeding Recorded by	Naresh Kumari and S.L.Chanana

Proceedings

Project is not registered with the authority.

Since the project is not registered, 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 to show cause as to why a penalty of 10% of the total project cost may not be imposed. Registration branch is directed to do the needful.

Arguments heard.

A builder buyer agreement was executed on 22.1.2010 for unit no.TPD-SA-FOI-04 in the project "Palm Studio" The Palm drive, Sector 66, Gurugam. As per clause 14(a) of the Builder buyer agreement the possession was to be handed over within 30 months from the date of

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 अंतर्गत गठित प्राधिकरण
भारत की संसद द्वारा पारित 2016 का अधिनियम संख्यांक 16



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allotment i.e. 9.8.2009 plus 90 days grace period which comes out to be 9.5.2012. Occupation certificate has been received on 13.2.2017 and the respondent offered the possession on 14.4.2017. The complainant has already taken over the possession of the allotted unit on 15.06.2017 and submitted undertaking to this effect which is placed at page 83.


The matter has already been settled inter-se both the parties on 15th June 2017. The relevant portion of the undertaking submitted by the complainant is reproduced for ready reference :-

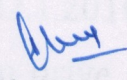
"The allottee hereby, certifies that he/she has taken over the peaceful and vacant physical possession of the aforesaid unit after duly satisfying himself/herself with regard to its measurements, location, dimension and development etc. and hereafter the allottee has no claim of any nature whatsoever against the company with regard to the i.e. dimension, area, location and legal status of the aforesaid home.

Upon acceptance of possession, the liabilities and obligations of the company as enumerated in the allotment letter/agreement executed in favour of the allottee stand satisfied."

Since the matter has already been settled between the parties in the year 2017, as such, it is not admissible to reopen the case at this juncture.

The complaint stands disposed of. File be consigned to the Registry.


Samir Kumar
(Member)
21.08.2019


Subhash Chander Kush
(Member)