



# HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

## COMPLAINT NO. 1392 OF 2021

Chandra Prabha Jain through LRs

....COMPLAINANT

VERSUS

BPTP Limited and anr

....RESPONDENTS

**CORAM:**

**Dr. Geeta Rathee Singh**  
**Nadim Akhtar**

**Member**  
**Member**

**Date of Hearing:**

20.09.2023

**Hearing:**

8th

**Present: -**

Mr. Kapish Chawla, Counsel for the complainant  
through Vc.

Mr. Hemant Saini, Counsel for the respondents

### ORDER(DR. GEETA RATHEE SINGH- MEMBER)

1. This case was heard at length on 13.07.2022 and after hearing both parties, Authority had made following observations

5. *After taking into consideration the facts and circumstances of the case it is observed that before deciding the case two issues needs to be settled.*

(i) *Locus of complainants: Complainants have filed this complainant as legal heirs of the deceased allottee Ms. Chand Prabha Jain. For proving their locus, a special power of attorney has been annexed at page 145 of complaint but said document is not legible. Complainants are directed to prove their*

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*Rathee*

*locus as to how the relief as claimed by them in this case deserves to be granted to them as being only legal heirs.*

*(ii) Secondly, in their reply respondent has submitted that possession of the plot was offered to the complainant on 30.06.2012 but nothing is submitted by respondent in regard to part completion certificate. Respondent is directed to prove its version that possession offered to complainant on 30.06.2012 was a valid offer, after receipt of part completion certificate.*

*Case is adjourned to 11.10.2022 for arguments. Further, complainants are directed to submit legible copy of receipts of payments."*

2. Pursuant to the same, complainants had filed copy of legal heir certificate of Mrs. Chandra Prabha Jain, copy of special power of attorney and copy of all payment receipts made to the respondents to prove their locus standi in present complaint. Said documents were taken on record with copies of those documents supplied to the respondents. Thereafter, respondents had offered to the complainants possession of the booked unit along with interest @9%. Complainants were directed to make submissions with regard to said offer. No submission has been made till date.
3. Further, respondents were directed to prove their version that possession offered to complainant on 30.06.2012 was a valid offer, after receipt of part completion certificate. Respondents have failed to file relevant documents in support of its contention till date. Mr.

Hemant Saini, learned counsel for the respondents sought more time to file the same.

4. Today, is the 8th hearing in the matter. Despite availing several opportunities, respondents have failed to file relevant documents sought vide order dated 13.07.2022. However, request of the respondents is accepted subject to payment of cost of ₹ 5,000/- payable to the Authority for causing unnecessary delay. Relevant documents should be filed within 3 weeks with an advance copy supplied to the complainants. Meanwhile, learned counsel for the complainants is directed to seek instructions from his client with regard to the offer of handover of possession along with 9% interest made by the respondents.
5. Case is adjourned to 31.10.2023.

  
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NADIM AKHTAR  
[MEMBER]

  
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DR. GEETA RATHEE SINGH  
[MEMBER]