



HARERA
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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

20

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|------------------------|---|
| Day and Date | Tuesday and 02.01.2024 |
| Complaint No. | MA NO. 429/2023 in CR/14/2018 Case titled as Sandeep Singh Gill VS Emaar MGF Land Limited |
| Complainant | Sandeep Singh Gill |
| Represented through | Shri Sukhbir Yadav Advocate |
| Respondent | Emaar MGF Land Limited |
| Respondent Represented | Shri Ashwarya Hooda Advocate |
| Last date of hearing | Rectification application |
| Proceeding Recorded by | Naresh Kumari and HR Mehta |

Proceedings

The aforesaid complaint was disposed of vide order dated 16.10.2018 with the directions of delayed possession charges.

The complainant-applicant filed an application dated 16.11.2023 seeking relief that the JD/respondent may be directed to handover the physical possession of the unit.

On 29.05.2019 the decree holder moved an execution petition before this Authority to recover the decretal amount and possession of the unit but the JD has filed to satisfy the decree and did not hand over the physical possession of the unit.

On 18.09.2023, the complainant moved an application before the executing court with a prayer for direction to JD to handover physical possession of the subject unit. But vide proceedings dated 10.10.2023, the Hon'ble Executing Court Adjudicating Officer, dismissed the above said application stating the issue remains about the payment of outstanding dues or the amount payable by JD to DH.

Despite having a credit balance as per the order, the respondent/JD is not



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MAN-429/2023/17 (11/1/2018)

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


handing over the possession of the unit.

The counsel for the complainant requests for issuance of directions for handing over of possession as the entire consideration money has been paid and as per orders of the authority, the respondent is to pay the balance DPC amount and to hand over the possession which is not being handed over in view of the matter pending before the Adjudicating Officer in execution and there are no directions in the order for handing over of possession.

The AR of the respondent states that the decretal amount due as per calculation of respondent has already been handed over to the complainant and now the matter for reconciling the amount due towards the complainant as well as to be paid by the respondent towards delay in possession is pending before Adjudicating Officer and possession will be handed over within 30 days once the amount due attain finality after passing the order by the Adjudicating Officer. Application stands disposed off. File be consigned to the registry.


Ashok Sangwan
Member


Vijay Kumar Goyal
Member


Arun Kumar
Chairman
02.01.2024