



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	Monday and 04.12.2023
Complaint No.	E/1310/2023/1088/2022 Case titled Mukesh Nayer VS Vatika Limited
Complainant	Mukesh Nayer
Represented through	Mr. Abhijit Gupta Adv
Respondent	Vatika Limited
Respondent Represented through	Ms Ankur Berry Adv
Last date of hearing	25.09.2023
Proceeding Recorded by	Uma Gaur

Proceedings

On last date of hearing i.e. 25.09.2023, the matter was referred to Accounts Officer for calculation of decretal amount, so that Recovery Certificate could be issued.

Report/ calculation has been received from the Accounts Officer. Let Recovery Certificate of the amount of Rs.21,12,398/- be issued to the Collector concerned to recover the same as arrears of Land Revenue.

On the same date i.e. 25.09.2023, a show cause notice was issued to directors of JD, asking them, as why same be not committed to civil imprisonment, for not complying with order of Authority.

It is worth mentioning that apart from directing respondent/ promoter to pay arrears of assured return to the decree holders, respondent/JD was directed to execute Conveyance Deed of allotted unit, within a period of 3 months from the date of final offer of possession, after getting Occupation Certificate.

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 अर्तगत गठित प्राधिकरण

भारत की संसद द्वारा पारित 2016 का अधिनियम संख्यांक 16

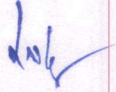
Reply of show cause notice has been filed by Mr. Anil Bhalla, Mr. Surinder and Mr. Brij Kishore, all stated to be directors of JD/ respondent.

Heard. It is submitted by the Ld. Counsel for JD, that even as per order under execution, JD was asked to execute Conveyance Deed within a period of 3 months from the date of offer of possession after obtaining Occupation Certificate. Although, JD has applied for Occupation Certificate, but it has not been received OC till now and hence neither possession could be handed over nor Conveyance Deed could be executed.

Admittedly, according to BBA, the prompter/JD was obliged to handover the possession of the subject unit till 23.05.2015. As stated above, the possession has not yet been handed over till today. Simply to say that the JD has applied for Occupation Certificate after so much delay, is not enough for compliance of the order. JD has not completed construction during agreed period and did not apply for OC in time. Same cannot take shelter under his own fault. No reasonable explanation is given by the directors of JD/ respondent.

Issue arrest warrants against aforesaid Directors of the JD, to be executable by the Bailiff, Mr. Kapil Dev. Said directors of JD be arrested and be produce before this forum, on or before next date of hearing.

Matter be put on 27.01.2024 for further proceedings. A copy of this order be sent to bailiff, Mr. Kapil Dev.


(Rajender Kumar)
Adjudicating Officer
04.12.2023