



HARERA
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HARYANA REAL ESTATE REGULATORY AUTHORITY
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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		10
Day and Date	Friday and 12.04.2024	
Complaint No.	MA NO. 178/2024 in CR/1063/2024 Case titled as Arun Khanna VS Orris Infrastructure Private Limited	
Complainant	Arun Khanna	
Represented through	Shri Yogesh Yadav Advocate	
Respondent	Orris Infrastructure Private Limited	
Respondent Represented	Ms Charu Rustogi, Advocate	
Last date of hearing	Appl. u/s 36 of the Act	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings

The counsel for the respondent states that they have not received the copy of application filed by the complainant under section 36. The counsel for the complainant states that the respondent is offering them the possession whereas the OC of the unit has not been received till date. However, the respondent states that OC has already been applied. Further stated that the complainant is ready to make the payment outstanding towards them if complete accounts statement is provided to him.

The counsel for the respondent states that they have applied for OC way back in 2021 which is pending in the office of DTCP. Further an writ petition has been filed in the Hon'ble Punjab and Haryana High Court as per which the Hon'ble Punjab and Haryana High Court passed an interim order directing the DTCP to provide provisional OC to the respondent till the writ is pending but still the provisional OC has not been provided to the respondent till date. Further states that the complainant allottee has booked 6 units all of which were cancelled by the respondent on account of default in payment whereas the complainant-allottee made payment in January 2024 for two units and obtain NOC also from the respondent. Whereas counsel for the complainant states that they paid the amount against those two units as the OC of that tower in which those two units were situated had already been received by



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MA No. 18/2024 in CR/1063/2024

New PWD Rest House, Civil Lines, Gurugram, Haryana

नया पी. डब्ल्यू. डी. विश्राम गृह, सिविल लाईंस, गुरुग्राम, हरियाणा

the respondent.

Counsel for the respondent further stated that in November and December, 2023 the complainant had agreed to make payment of balance amount of all the units. Further stated that the four units in question were cancelled after so many reminders such as reminder dated 3.4.2023, 3.7.2023, 18.8.2023 and 26.12.2023 and finally the units were cancelled on 26.12.2023. Whereas the counsel for the complainant states that 30% of the cost was to be paid by the complainant-allottee on offer of possession and hence there was no default on the part of the allottee in making the payment as the allottee was regularly asking for balance payment and status of OC and further stated that the payment already made by the complainant-allottee was 70% and hence he was obligated to make balance amount on valid offer of possession.

Arguments head.

Order reserved of application filed under section 36 of the Act.

Matter to come up on 17.5.2024 for further proceedings.


Sanjeev Kumar Arora
Member
12.04.2024