



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		12
Day and Date	Wednesday and 10.04.2024	
Complaint No.	MA NO. 140/2024 in CR/2105/2023 Case titled as Sanjeev Kumar Ahuja VS Anant Raj Industries Limited	
Complainant	Sanjeev Kumar Ahuja	
Represented through	S/Shri Sushil Yadav and Ravi Rao Advocates	
Respondent	Anant Raj Industries Limited	
Respondent Represented	Shri Umang Mahindra Advocate	
Last date of hearing	Appl. for rectification	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings-cum-orders

The above-mentioned matter was heard and disposed of vide order dated 15.11.2023 wherein, the Authority had directed the respondent to pay interest to the complainant for every month of delay on the amount paid by the complainant from due date of possession i.e., 25.06.2015 till the expiry of 2 months from the date of offer of possession (30.11.2022) i.e, upto 30.01.2023 only.

The complainant has filed an application for rectification of order dated 27.02.2024 stating that despite obtaining occupational certificate by the competent authority the respondent is neither handing over the physical possession of the unit not executing the conveyance deed. Also, direct the respondent to pay delay possession charges till the actual handing over the possession of the unit.

The authority is of the view that though no specific directions with respect to the physical possession and execution of the conveyance deed were given in the order dated 15.11.2023, the word "*delayed possession charges*" itself has the word "*possession*" incorporated in it. It implies that possession has to handed over to the allottee at some point of time. In the Act, 2016 it is clearly mentioned under Section-17(1) that possession has to be given to the allottee



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and also conveyance deed has to be executed. Section 17(1) is reproduced below for reference:

17 (1) The promoter shall execute a registered conveyance deed in favour of the allottee along with the undivided proportionate title in the common areas to the association of the allottees or the competent authority, as the case may be, and hand over the physical possession of the plot, apartment of building, as the case may be, to the allottees and the common areas to the association of the allottees or the competent authority, as the case may be, in a real estate project, and the other title documents pertaining thereto within specified period as per sanctioned plans as provided under the local laws: Provided that, in the absence of any local law, conveyance deed in favour of the allottee or the association of the allottees or the competent authority, as the case may be, under this section shall be carried out by the promoter within three months from date of issue of occupation certificate"

.....[Emphasis supplied]

In view of the above, it is the statutory right of the allottee to obtain possession and get the Conveyance deed executed in his favour. Further, the issue regarding payment of delay possession charges has already been dealt by the Authority in detail in the order dated 15.11.2023. Thus, this Authority cannot re-write its own orders and lacks the jurisdiction to review its own order as the matter in issue has already been heard and decided by this Authority.

This order be read with and in continuation of order dated 15.11.2023.

Rectification application stands disposed of. File be consigned to registry.

Ashok Sangwan
Member
10.04.2024