

<b>PROCEEDINGS OF THE DAY</b>		<b>15</b>
Day and Date	Friday and 12.07.2024	
Complaint No.	MA NO. 345/2024 in CR/2396/2019 Case titled as Faisal Mumtaz VS VSR Infratech Private Limited	
Complainant	Faisal Mumtaz	
Represented through	Shri Shaantanu Jain Advocate (POA filed today during proceedings)	
Respondent	VSR Infratech Private Limited	
Respondent Represented through	Ms. Shriya Takkar and Smriti Srivastava Advocates	
Last date of hearing	Application u/s 39 of the Act	
Proceeding Recorded by	Naresh Kumari and HR Mehta	
<b>Proceedings-cum-order</b>		
<p>The present complaint was disposed of vide order dated 24.03.2023 allowing delayed possession charges and handover possession of the allotted unit to the complainant complete in all aspects as per specifications of buyer's agreement within three months from the date of this order.</p> <p>The counsel for the complainant - promoter has moved an application u/s 39 of the Act for clarification about the possession of the unit because as per the allotment and BBA terms, physical possession was not to be handed over and a leasing arrangement had to be made as per the original terms of allotment. Further draws the attention of the authority towards Annexure -4 page 53 of the complaint, clause 3 states that company shall be fully entitled to hand over the said unit alongwith other units to any managing agency for running, operating and managing, the SOSA/SA on a long term basis and the allottee shall not be entitled to terminate the agreement with the managing agency during the initial period of 15 years. In the light of above facts, no physical possession was to be handed over to the allottee, hence, the clarification/rectification is required in the order of the Authority dated 24.03.2023.</p>		



**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

Arguments heard.

Rectification is allowed and no physical possession can be handed over as per the agreed terms of the allotment/BBA, hence modification to that extent is being done. This order be read in continuation of order dated 24.03.2023. Further, the 2<sup>nd</sup> prayer in application u/s 39 of the Act is adjustment of the dues payable by the allottee and during the arguments, the counsel for the complainant (allottee) agrees that they are liable to pay the outstanding amount towards the respondent as per BBA terms, hence, it is hereby clarified that while giving credit of DPC as per the order of the Authority, the adjustment of outstanding dues, if any, should be made out of that.

Rectification application stands disposed of. File be consigned to registry

  
Sanjeev Kumar Arora  
Member  
12.07.2024