



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		17
Day and Date	Friday and 05.07.2024	
Complaint No.	CR/2428/2023 Case titled as Devika Suneja VS BPTP Limited	
Complainant	Devika Suneja	
Represented through	Shri Sagar Chawla Advocate	
Respondent	BPTP Limited	
Respondent Represented	Shri Harshit Batra Advocate	
Last date of hearing	05.04.2024	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings-cum-orders

The present complaint was filed on 31.05.2023. However no reply is filed till date. The counsel for the respondent has filed an application on 16.10.2023 for challenging the maintainability of the complaint.

The complainant booked a unit vide an application form dated 07.08.2012 and was allotted a unit in the project of the respondent on 07.12.2012 and opted for a construction linked payment plan.

The respondent has sent demand letters on 05.10.2012 and 12.12.2012 for payment of outstanding dues and current dues. However the complainant did not paid as per the demand letter following which the respondent has cancelled the unit of the complainant on 10.07.2013 and stated that the amount deposited by the applicant at the time of registration/booking shall be forfeited.

So far as limitation period is concerned three years is a reasonable time period for a litigant to initiate litigation to press his rights under normal circumstances. In the present case the cause of action would accrue from the date of cancellation and up to three years which comes out to be i.e 10.07.2016.

The respondent cancelled the unit of the complainant on 10.07.2013 the complainant never challenged the cancellation nor she requested the respondent to restore her unit.



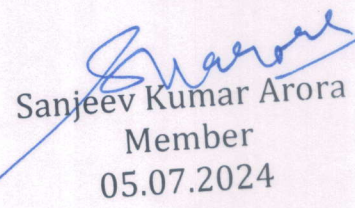
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CR/2428/2023

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

The Authority is of the view that the present complaint is not maintainable after such a long period of time as the law is not meant for those who are dormant over their rights. Accordingly, the present complaint stands dismissed. File be consigned to the registry.


Sanjeev Kumar Arora
Member
05.07.2024