



PROCEEDINGS OF THE DAY		43
Day and Date	Tuesday and 08.10.2024	
Complaint No.	CR/3001/2020 Case titled as Gagan Joshi and Lata Joshi V/s BPTP Limited	
Complainants	Gagan Joshi and Lata Joshi	
Represented through	Shri Sukhbir Yadav Advocate	
Respondent	BPTP Limited	
Represented through	Shri Harshit Batra Advocate	
Last date of hearing	Rectification	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Order

The aforesaid complaint was disposed of vide order dated 25.07.2022 of the authority wherein the complainant was held entitled for delay possession charge along with prescribed rate of interest. The complainant filed an application dated 04.06.2024 under section 17, 19 (10) of the Act, read with section 151 of CPC to give direction to the respondent to handover physical possession which is not mentioned in the order dated 25.07.2022. The complainants further states that they visited several times to the office of the respondent to get possession of his unit, but the respondent refused to hand over the physical possession by saying that "there is no direction of handover in the judgment/final order dated 25.07.2022". It is pertinent to mention here that the complainants have paid Rs. 1,07,63,264/- as per the order dated 25.07.2022. Moreover, as per the calculation. done by the accounts officer of the Authority, the JD/respondent has to paid Rs.

33,27,684/- after adjustment of the amount payable by the complainants and still Rs. 18,34,161/- is recoverable from JD/respondent.

The respondent builder filed a reply to the application filed by the complainant and states that present application is not maintainable as the judgment of the Authority was passed on 25.07.2022, however, the complainants have filed the present application after a delay of 2 years. That while the exact date of filing is not privy to the answering respondents however, the said application under reply was listed on 20.08.2024 i.e. after the expiry of 2 years. It is submitted that even if the application was filed by the complainants under section 39 herein any rectification must be filed within 2 years of the order, the application said would be rejected on the ground of limitation. it is submitted that as per the directions of the Authority, the respondent had paid delayed possession charges total amounting to Rs. 33,27,684/- to the complainants, whereas the complainants have failed to make payments of the dues against the unit and maintenance charges

During the course of proceeding, the respondent states that the possession shall be handed over after payment of outstanding dues by the complainant. The respondent further states that the matter has already been decided long back on 25.07.2022 and issues cannot be re-adjudicated at this stage. However, the respondent is ready to hand over the possession on payment of stamp duty, maintenance charges and KYC

On the contrary, the complainant states that no amount is due towards the cost and the delay possession interest has been paid to the complainant after adjustment of all the outstanding amount and hence, there is no question of any more amount required to be paid by the complainant.

Finding of the Authority: after consideration of all the facts and circumstances, the authority of view that during the course of proceeding, the respondent-builder undertakes that he is ready to hand over possession of the unit upon the payment of stamp duty, maintenance charges, and



HARERA
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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

completion of KYC requirements. The respondent-builder is directed to hand over possession to the complainant after the payment of stamp duty, maintenance charges, and completion of KYC, if not already done.

Matter stands disposed of. File be consigned to the registry.


(Ashok Sangwan)

Member

Haryana Real Estate Regulatory Authority, Gurugram


(Arun Kumar)

Chairman

Dated: 08.10.2024