



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

23

Day and Date	Friday and 07.02.2025
Complaint No.	CR/2559/2023 Case titled as Col. MS Sherawat VS Sare Gurugram Private Limited
Complainant	Col. MS Sherawat
Represented through	Complainant in person
Respondent	1. M/s Consortium of KGK Realty (India) Pvt. Ltd. and Dhoot Infrastructure Projects Ltd. 2. M/s Sare Gurugram Pvt. Ltd. 3. Mr. Ajit Gyanchand Jain
Respondent Represented	Shri Shubham Mishra Advocate
Last date of hearing	06.12.2024
Proceeding Recorded by	Naresh Kumari and HR Mehta

Proceedings-cum-orders

The present complaint was filed on 07.06.2023.

An application for dismissal of complaint was filed by the respondent on 02.11.2023. Reply to the said application was filed by the complainant on 22.03.2024.

Written arguments were filed by the complainant on 18.11.2024.

The counsel for the respondent has moved an application for dismissal of complaint on 02.11.2023. It is stated that vide order dated 09.03.2021 of NCLT, Delhi Principal Bench in company petition no. IB-300(PB)/2020, the application filed by ASREC was admitted and CIRP proceedings were commenced against respondent no.2 i.e., M/s Sare Gurugram Pvt. Ltd. and moratorium was declared. Thereafter, vide **order dated 24.04.2023**, Hon'ble NCLT approved the successful resolution plan of respondent no.1 i.e., "M/s Consortium of KGK Realty (India) Pvt. Ltd. and Dhoot Infrastructure Projects Ltd." Further, the successful resolution plan provides treatment/settlement for the claim of the complainant which is subject matter of the present complaint before this Authority. As per the said order, all the claims have been



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entertained and no claim in respect of the past liability can be raised before any forum. Thus, the present complaint is liable to be dismissed.

The counsel for the complainant has filed reply to the aforesaid application on 22.03.2024 stating that the successful resolution applicant (SRA) had to inherit credible data from the erstwhile promoter through the office of resolution professional. Therefore, SRA takes over assets and liabilities of the original developer and the SRA cannot create its own data base unilaterally. SRA never cross checked any data from the allottees and appears to be fully satisfied with the data base. Any deviation objected to by the allottee should have been verified by SRA. The SRA vide Possession letter dated 12.05.2023 (dispatched on 18.05.2023) has demanded an additional amount of Rs. 6,17,107/- for taking possession of the complainant's unit. The area of the unit was increased from 1180 sq. ft. to 1298 sq. ft. which is more than 5% and against the terms of successful resolution plan. Moreover, the complainant has paid Rs.39,99,548/- however, as per data of SRA, amount paid is mentioned as Rs.37,12,881/-. Thus, the application by the respondent is liable to be dismissed.

The Authority observes that the committee of creditors after satisfactorily examining the feasibility and viability of the resolution plan, approved the resolution plan of the respondent no.1 with 100% votes in its favour. Pursuant thereto, upon application of approval on resolution plan, Hon'ble NCLT approved the successful resolution plan of respondent no.1 vide order dated 24.04.2023. Moreover, the claim of the complainant has been accepted and already dealt with in the Successful Resolution Plan. It is further observed that the complainant-allottee was party to the revival plan filed before NCLT and if the same is not being honored by the respondent, the complainant is at liberty to approach the concerned authority for relief and necessary directions. In view of the above, the application filed by the respondent for dismissal of complaint is allowed and hence, the present complaint stands **dismissed**. File be consigned to the registry.

Arun Kumar
Chairman
07.02.2025