

PROCEEDINGS OF THE DAY		55
Day and Date	Tuesday and 18.03.2025	
Complaint No.	MA NO. 576 and 923/2024 in CR/7186/2022 Case titled as Meena Kapoor VS EMAAR MGF LAND LIMITED	
Complainant	Meena Kapoor	
Represented through	Shri Vijay Pratap Singh Advocate	
Respondent	EMAAR MGF LAND LIMITED	
Respondent Represented	Shri Harshit Batra Advocate	
Last date of hearing	Restoration of complaint/07.01.2025	
Proceeding Recorded by	Naresh Kumari and HR Mehta	
<p style="text-align: center;">Proceedings-cum-order</p> <p>The present complaint was filed on 14.11.2022 and reply on behalf of respondent was received on 10.01.2024.</p> <p>On 12.07.2024, the Authority presume that since, nobody was appearing on behalf of the complainant, it appears that the complainant is no more willing to pursue the matter hence, the present complaint is dismissed in default for non-appearance of the complainant.</p> <p>Thereafter, the complainant has filed an application dated 28.08.2024, filed by the complainant herself and 09.09.2024 filed by the complainant counsel namely Shri Vijay Pratap Singh with regard to restoration of the said complaint. On 22.10.2024 the complainant counsel, Shri Vijay Pratap Singh present, and the Authority observed that the complainant was given sufficient opportunity to be granted to the complainant on 07.07.2023, 03.11.2023, and 12.07.2024. Further, the complainant has not mentioned any reasonable ground for filing the said restoration application. Hence, the said restoration applications were dismissed on 22.10.2024.</p> <p>Now, the complainant has filed another application dated 11.11.2024, for restoration of the said complaint with regard to non-appearance of the previous counsel and the complainant has engaged the new counsel Shri</p>		



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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

Vijay Pratap Singh.

The respondent company has filed the reply on 03.02.2025, of the application dated 11.11.2024, that due to irregular and nonchalant representation of the matter on behalf of the complainant, the complaint was dismissed vide the order dated 12.07.2024, after giving multiple opportunities to the complainant to appear on 07.07.2023, 03.11.2023, 12.04.2024, and 12.07.2024. That the Authority while dismissing the captioned complaint noted that the complainant seems unwilling to pursue the complaint.

Now, the complainant is filing the said application for seeking the restoration of the said matter, alleging that the failure to appear in the proceedings was due negligent and lackadaisical attitude of the counsel appointed by the complainant. Further, the complainant cannot wholly place the blame on the counsel, as the complainant herself was duty-bound to remain vigilant regarding the representation made on her behalf. In any case the counsel appearing on behalf of the complainant has contented in his application for restoration dated 11.11.2024 that the Authority had ordered on the previous restoration application on the basis of the application made by the previous counsel, that it is the same counsel who has filed the previous as well as the present restoration application.

Heard.

On the document and submissions made by both the parties the Authority observes that the original allottee i.e., Nigah Kochhar was allotted a unit bearing no. EHF-350-T-GF-113, Ground Floor, admeasuring 1750 sq. ft., in project of the respondent named "Emerald Hills, Sector 65, Gurugram, Haryana vide provisional allotment letter dated 27.07.2009 and an apartment buyer's agreement was also executed between the original allottee and the respondent regarding the said allotment on 08.11.2010. Thereafter, the original allottee i.e., Nigah Kochhar sold his unit to the first subsequent allottee i.e., complainant herein vide agreement to sell dated 20.03.2018. Accordingly, the respondent vide nomination letter dated 07.05.2018, confirming substitution of name in the aforementioned apartment and the said apartment was transferred /endorsed in the name of the complainant. Therefore, the complainant stepped into the shoes of the original allottee on 07.05.2018. The respondent company has obtained the occupation certificate on 18.09.2019 thereafter the offer of possession made to the complainant herein on 16.10.2019.



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Further, the possession of the unit was handed over to the complainant herein vide unit handover letter dated 25.10.2019. Also, the conveyance deed bearing vasika no. 10198 dated 08.11.2019 was also executed by it in favour of the complainants in respect of the said unit. Moreover, the clause 11 of the conveyance deed dated 08.11.2019 is also relevant and reproduced hereunder for ready reference:

11. That the actual, physical, vacant possession of the said Apartment has been handed over to the Vendee and the Vendee hereby confirms taking over possession of the said Apartment / parking space(s) from the Vendors after satisfying himself / herself that the construction as also the various installations like electrification work, sanitary fittings, water and sewerage connection etc. have been made and provided in accordance with the drawings, designs and specifications as agreed and are in good order and condition and that the Vendee is fully satisfied in this regard and has no complaint or claim in respect of the area of the said Apartment, any item of work, material, quality of work, installation, compensation for delay, if any, with respect to the said Apartment, etc., therein.

In view of the above facts and circumstances, the Authority is of the view that the complainant has already taken over the physical possession of the allotted unit on 25.10.2019 and conveyance deed was also executed in favour of the complainant on 08.11.2019. At this stage there is no ground for considering the application for restoration of complaint and hence, the application dated 11.11.2024, restoration of complaint is hereby declined.

File be consigned to the registry.

Ashok Sangwan
Member

Arun Kumar
Chairman
18.03.2025

Vijay Kumar Goyal
Member