



**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

<b>PROCEEDINGS OF THE DAY</b>		<b>22</b>
Day and Date	Tuesday and 18.02.2025	
Complaint No.	MA NO. 619/2024 in CR/1927/2021 Case titled as Vipul Greens Residence Welfare Association VS Maxworth Marketing Private Limited	
Complainant	Vipul Greens Residence Welfare Association	
Represented through	Shri Anuj Malhotra Advocate	
Respondent	Maxworth Marketing Private Limited	
Respondent Represented	Shri Nishant Jain Advocate	
Last date of hearing	Application u/s 39 of the Act/10.12.2024	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

### **Proceedings-cum-orders**

The aforesaid complaint was disposed of vide order dated 17.10.2023 of the authority wherein the Authority directed the respondent to register the project with 3 months and apply the completion certificate after obtaining occupation certificate of the nursery school . An application dated 05.09.2024 under section 39 of the Act, 2016 was filed by the respondent to take on record the occupation certificate dated 04.10.2023 (w.r.t. nursery school) and thereafter to modify the order dated 17.10.2023.

The applicant-promoter states that they filed reply to the captioned complaint a preliminary objection was raised in respect to the non-joinder of necessary parties as the earmarked nursery school site (site in issue) duly approved in the layout plan had been given to M/s Shri Educare Pvt. Ltd. on lease for 95 years w.e.f. 30.09.2009 and the said lessee was under an obligation to construct the building for running the school and also to obtain the necessary permissions from the competent authorities i.e. approval of the building plan, environmental clearance, sanctions, permissions, NOC and also to obtain occupation/completion certificates for the said site from the competent authority. The Authority while deciding the complaint and passing the order dated 17.10.2023 have although recorded the said contention/objection



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MANO-617/2024 INCR/1927/2021

New PWD Rest House, Civil Lines, Gurugram, Haryana

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raised by the applicant-respondent specifically in para 14 at page 11 of the order but have not ordered to implead M/s Shri Educare as a respondent in the said complaint.

In July 2024, it has transpired and came on record that the occupation certificate with regard to Nursery School Site has already been issued by the Competent Authority in favour of Shri Educare Limited-Lessee of the applicant on 04.10.2023 i.e. even before the passing of the order.

**Finding of the Authority :**

The Authority observes that the issue has already been adjudicated in the detailed order passed on 17.10.2023. it was rightly observed that the project was registrable as the promoter was not in possession of the occupation certificate for the nursery school or completion certificate of the project in question. As per 1<sup>st</sup> proviso to Section 3(1) of the Act, the respondent was obligated to make an application for registration of the project within 3 months from the date of commencement of the Act. Therefore, the respondent was directed to apply for registration of the project with the Authority within a period of 3 months from the date of this order. So far as factum of receipt of occupation certificate with respect to the nursery school is concerned, the same was never placed on record by the applicant-promoter in the pleadings or during the course of hearing. Moreover, Completion Certificate of the project is still to be obtained.

In view of the above, the Authority observes that there is no error apparent from record which needs to be rectified in terms of the Section 39 of the Act, 2016 and hence, the application for rectification filed by the respondent is not maintainable and the same is dismissed. File be consigned to the registry.

Ashok Sangwan  
Member

  
Arun Kumar  
Chairman  
18.02.2025

V.I.   
Vijay Kumar Goyal  
Member