

PROCEEDINGS OF THE DAY
34

Day and Date	Tuesday and 13.05.2025
Complaint No.	CR/76/2021 Case titled as Mangal Singh Goel VS Imperia Structures Limited
Complainant	Mangal Singh Goel
Represented through	Ms Priyanka Aggawal, Advocate
Respondent	Imperia Structures Limited
Respondent Represented through	Shri Azad Bensla, Advocate
Last date of hearing	18.02.2025
Proceeding Recorded by	Naresh Kumari and HR Mehta

Proceedings

The present complaint was filed by the complainant and the same was allowed and disposed of vide order dated 06.10.2021. Thereafter, the complainant moved an application for rectification of the order dated 06.10.2021 inter alia allegedly stating that his unit was situated in phase II of the project for which OC has not been obtained and thus he liable for DPC till offer of possession after obtaining OC. The said application was allowed vide order dated 07.09.2022 to the extent mentioned in the order dated 07.09.2022.

The respondent became aware of the above mentioned matter whereby the M.A. No. 213 of 2023 was adjourned sine die and thus immediately took steps to file the present application for revival of the said M.A 213 of 2023. Hence, it is submitted that the present application may kindly be allowed and the M.A. no. 213 of 2023 may kindly be revived to its original number.

In view of the above submissions, the application for restoration was allowed on 19.11.2024.

The complainant was directed to file the reply to the said application and the respondent was also directed to clarify whether the unit of the complainant is situated in phase I or phase II of the project and to clarify obtaining of OC of the same along with copy thereof.

On 30.01.2025, the respondent has filed an application to clarify the obtaining of the Occupancy Certificate (OC), as directed by the Authority. The contents of the application are reproduced below:

- That the Respondent hereby submits that the construction of the **entire Esfera Project has been completed**. It is respectfully stated that the Esfera Project comprises a **total of nine towers** and further is divided into **2 phases**.
- That the Phase I, consists of Towers as F, G, and H as per the Builder Buyer



HARERA
GURUGRAM

HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम
CR/16/2021

New PWD Rest House, Civil Lines, Gurugram, Haryana

नया पी. डब्ल्यू. डी. विश्राम गृह, सिविल लाईंस, गुरुग्राम, हरियाणा

- Agreement (*hereinafter referred to as BBA*), but during the obtainment of OC the names of the Towers were shuffled to G, H, and I. The OC for the Phase I was obtained on 07.02.2018.
- That the Phase II consists of Towers A, B, C, D, E, and J. It is pertinent to mention that the OC for Towers A, B, and C was obtained on 13.03.2024, while the OC for the remaining three towers, namely Towers D, E, and J, was obtained on 22.11.2024.
 - That with regard to the tower in which the Complainant's unit is located, namely **Tower G**, the Respondent Company has **obtained the Occupancy Certificate for the said tower**, which was issued on **February 7, 2018**.
 - The said unit is located in the **Tower G as per the BBA**, however, as per the OC that was obtained on 07.02.2018, **Tower G has been labelled as Tower H**. The Respondent affirms this discrepancy between the designation of the tower in the BBA and the OC **does not affect the legal standing or occupancy rights** of the Complainant with respect to the unit in question.
 - That the only change pertains to the designation of the tower, with **Tower G now being referred to as Tower H** in the OC obtained on February, 2018. It is clarified that apart from **this nominal alteration**, all other aspects remain unchanged, including the location of the unit, its area, and the facilities associated with it. The Respondent asserts that this change in the tower's name does not alter the rights, entitlements, or obligations of the parties under the Building and BBA, and that the Complainant's unit remains unaffected in all material respects.
 - That the complainant's unit **remains located in Phase I** at the **same location**. The only change that has occurred is the renaming of the tower in which the unit is situated. The tower, which was **previously labeled as Tower G**, is now designated **as Tower H** following the obtainment of the OC. This change has been duly communicated to the complainant through letters dated 22.02.2018, 24.08.2018 and 01.10.2018 sent in relation to the offer of possession subsequent to the obtainment of the OC.
 - That Phase I has always consisted of three towers, namely Towers F, G, and H, and continues to consist of the same number of towers at the same location, albeit with different designations—Towers G, H, and I.

That Phase I has always consisted of three towers, namely Towers F, G, and H, and continues to consist of the same number of towers at the same location, albeit with different designations—Towers G, H, and I.

Arguments heard.

The counsel for the respondent states that the complainant may visit the office of the respondent on 15.05.2025 to see the latest development of the unit allotted in tower H and in case any deficiencies are required to be removed the same shall be done within a period of 10 days for handing over of physical possession on



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

26.5.2025. The application is disposed of in above terms.

Ashok Sangwan
Member

Arun Kumar
Chairman
13.05.2025

Vijay Kumar Goyal
Member