



PROCEEDINGS OF THE DAY		92
Day and Date	Tuesday and 05.08.2025	
Complaint No.	CR/668/2025 Case titled as JM Chhabra VS KNS Infracon Private Limited & Tashee Land Developers Private Limited & KNS Infracon Private Limited & DTCP	
Complainant	JM Chhabra	
Represented through	Complainant in person	
Respondent	KNS Infracon Private Limited & Tashee Land Developers Private Limited & KNS Infracon Private Limited & DTCP	
Respondent Represented through	None	
Last date of hearing	09.07.2025	
Proceeding Recorded by	Naresh Kumari and HR Mehta	
Proceeding-cum-order		
The present complaint was filed on 25.02.2025 and till date no reply has been fied by the complainant.		
The succinct facts of the case are as follows:		
S. No.	Heads	Information
1.	Project name and location	'Capital Gateway, Sector-111, Gurugram
2.	Project area	10.462 acres
3.	Nature of the project	Residential
4.	DTCP license no. and validity status	34 of 2011 dated 16.04.2011 valid upto 15.04.2024
5.	Name of licensee	KNS Infracon Pvt. Ltd. and others
6.	RERA registered/ not registered	Registered vide regd. No. 12 of 2018 dated 10.01.2018
7.	Unit no.	F-1102 , 11 th floor admeasuring 1695



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हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

CR/668/2025

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

		sq.ft. (page 24 of complaint)
8.	Date of allotment letter (in favour of Manish Chhabra and Ishwar Devi Chhabra)	24.04.2013 (page 24 of complaint)
9.	Date of execution of buyers' agreement (executed between Manish Chhabra and Ishwar Devi Chhabra and tashee Land Developers Private Limited)	02/05/2013 (page 43 of complaint)
10.	Date of building plan	07.06.2012
11.	Possession clause (2.1)	Subject to Clause 9 herein or any other circumstances not anticipated and beyond control of the First Party/Confirming Party and restraints/restrictions from any courts/authorities and subject to the Purchaser having complied with all the terms and conditions of this Agreement and not being in default under any of the provisions of this Agreement including but not limited timely payment of total Sale Consideration and Stamp Duty and other charges and having complied with all provisions, formalities, documentation etc., as prescribed by the First Party/Confirming Party, whether under this Agreement or otherwise, from time to time, the First Party/Confirming Party proposes to hand over the possession of the Flat to the Purchaser within approximate period of 36 months from the date of sanction of the building plans of the said Colony. The Purchaser agrees and understands that the First Party/Confirming Party shall be entitled to a grace period of 180 (One Hundred and Eighty) days, after the expiry of 36 months, for applying and obtaining the occupation certificate in respect of the

An Authority constituted under section 20 the Real Estate (Regulation and Development) Act, 2016

भू-संपदा (विनियमन और विकास) अधिनियम, 2016 की धारा 20 के अंतर्गत गठित प्राधिकरण



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हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

CR 1688/2020

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

		Colony from the concerned authority. The First Party/Confirming Party shall give Notice of Possession to the Purchaser with regard to the handing over of possession, and in the event the Purchaser fails to accept and take the possession of the said Flat within 30 days of, the Purchaser shall be deemed to be custodian of the said Flat from the date indicated in the notice of possession and the said Flat shall remain at the risk and cost of the Purchaser.
12.	Due date of possession	07.06.2015 (calculated 36 months from the date of sanctioning of building plan)
13.	Basic sale consideration	Rs. 54,51,120/- (page 47 of complaint)
14.	Total amount paid by the complainant	63,84,770/-
15.	Offer of possession	Not offered
16.	Part Occupation certificate	24.10.2024

The complaint filed by J.M. Chhabra (POA holder for Munish Chhabra).The complainant challenges a demand letter dated 11-11-2024 issued by the builder, which includes exaggerated charges for car parking, club membership, EDC/IDC, IFMS, possession charges, cost escalation, and taxes such as VAT/GST—most of which are not part of the builder buyer agreement. Additionally, the complainant objects to a cancellation letter dated 09-12-2024, which revoked the flat allotment despite a previous HRERA order and a High Court direction rejecting such cancellation.

The complainant seeks to have the demand and cancellation letters quashed, possession of the flat upon payment of the remaining 5% as per the payment plan, and to prevent further action from the builder during the case. Interim relief is requested, along with a recalculation of DPC, refund of unlawful charges, and compensation for litigation costs.

Arguments heard.

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हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

CR/668/2025

New PWD Rest House, Civil Lines, Gurugram, Haryana


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

The Authority observes that a complaint on similar ground was earlier filed by the complainant before the Authority Vide CR No. 564/2018 and the same was decided vide order dated 16.01.2019 wherein the relief of delay possession charges was allowed. The complainant filed an execution vide E-3971-2020 in this regard which is pending for 26.11.2025. Now, the complainant has filed the present complaint on account of non-compliance by the promoter who has cancelled the unit of the complainant during the pendency of the execution.

The Authority is of the view that it is ^{it} ~~further~~ ^{fr} executing authority to implement the order of the Authority and decide issues that hinder the process of executing including the matters agitated in the present complaint. In view of the above the present complaint is not maintainable on grounds of res-judicata. The complainant may approach the executing authority for redressal of his grievances in this regard. Ordered accordingly.

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

Ashok Sangwan
Member


Arun Kumar
Chairman
05.08.2025