PROCEEDINGS OF THE DAY	20
Day and Date	Wednesday and 01.10.2025
Complaint No.	CR/2702/2024 Case titled as Rajan Sharma and Charu Sharma VS Advance India Projects Limited
Complainant	Rajan Sharma and Charu Sharma
Represented through	Sh. Sukhbir Yadav, Advocate
Respondent	Advance India Projects Limited
Respondent Represented through	Sh. Dhruv Rohtagi, Advocate
Last date of hearing	27.08.2025
Proceeding Recorded by	Naresh Kumari and HR Mehta

Proceedings-cum-orders

The present complaint has been filed on **07.06.2024** and registered as complaint bearing no. **2702** of **2024**. Reply on behalf of the respondent has been received on **25.09.2024**.

Succinct facts as per the complaint and the reply are as follows:

S.No.	Particulars	Details
1.	Name of project	"AIPL Joysquare"
2.	Nature of project	Commercial
3.	Location of project	Sector-63-A, Village-Kadarpur, Gurugram, Haryana.
4.	RERA Registered	Registered Vide registration no. 259 of 2017 Dated-03.10.2017

5.	DTCP License	1. **License no.** 71 of 2014 dated 29.07.2014 valid till 28.07.2024 of 7.8625 acres **Name of licensee-** Anantraj Industries Ltd and Others. 2. **License No.** 119 of 2011 dated 28.12.2011 valid till 27.12.2019 for 100.625 acres. **Name of licensee-** Rose Realty Pvt. Ltd. and others.
6.	Allotment letter	30.06.2018 (As on page no. 40 of complaint)
7.	Unit no.	Gf-0116, Floor-Ground, Tower-Joy square (As on page no. 40 of complaint)
8.	Unit area	675.01 sq.ft. [Super Area] (As on page no. 40 of complaint)
9.	Revised unit area	651.87 sq.ft.
10.	Buyer's Agreement	Not executed
11.	Possession clause	Not available
12.	Due date of possession	30.12.2021 [Calculated 36 months from date of allotment + 6 months on account of Covid-19]
13.	Sale consideration	Rs.82,35,122/- (As per payment plan on page no. 64 of reply)
14.	Amount paid	Rs.10,07,803/-

15.	Cancellation letter	27.05.2024 (As on page no. 85 of complaint)
16.	Occupation certificate	09.11.2023 (As per details on the HRERA website]
17.	Offer of possession	Not offered

The complainants are seeking directions to restrain the respondent from giving effect to the cancellation letter dated 27.05.2024 and set aside the said cancellation letter, restrain the respondent from forcing the complainants to sign the addendum attached with the BBA and to modify the objectionable terms in the BBA and to get the BBA registered.

The counsel for the respondent states that the complainants have earlier filed a complaint in respect of the same subject unit on 19.02.2021 and the same was disposed off vide order dated 20.07.2021 and the respondents were directed to execute the buyer's agreement with the complainants of the allotted unit within a period of 10 days according to provision of section-13(1) of the Act. Hence, the present complaint is barred by res judicata. He further states that on one hand, the complainants have filed the present complaint, seeking directions to execute the Buyer's agreement, while at the same time, the complainants have also filed an application for revival of the execution proceedings for the execution of the BBA, which has been declined and appeal has been filed by the complainant in the Appellate Tribunal.

Arguments heard.

The Authority observes that the present cause of action is linked to the order dated CR no. **466 of 2021** of the Authority wherein the complainants were granted certain reliefs against the respondent-promoter. Thereafter, the complainants filed execution petition no. **511** of **2022.** The said execution petition was dismissed by the Authority vide order dated 10.04.2024 and consequently, the respondent cancelled the unit of the complainants vide cancellation letter dated 27.05.2024 and 29.05.2024.

The counsel for the respondent argues that the present complaint is liable to be dismissed on the grounds of Res Judicata as the same matter has already been adjudicated by the Authority in **CR no. 466 of 2021** . On the other hand , counsel for the complainant insists that a new

cause of action has been created by the cancellation effected by the respondent vide its letter dated 27.05.2024 and 29.05.2024.

The Authority is of the considered view that the complaint related to the present unit has been adjudicated and detailed order passed on 20.07.2021 . Consequent to the said order, execution petition was filed by the complainants which was finally dismissed vide order dated 10.04.2024 . The present cause of action is related to the dismissal of the execution petition in as much that the cancellation orders are a consequence of the reluctance of the complainants to sign the Builder Buyer's Agreement. The Authority observes that the complainants were at liberty to approach the Hon'ble Appellate Tribunal to assail the order of the Adjudicating officer in case they were not satisfied with the same. The Authority finds that since the present matter has already been adjudicated and the consequent actions are organically linked to the decision dated 20.07.2021 of the Authority, the present complaint is not maintainable on grounds of Res Judicata.

In view of the above, the same is dismissed.

File be consigned to the registry.

Ashok Sangwan
Member
01.10.2025