

PROCEEDINGS OF THE DAY
9

Day and Date	Wednesday and 15.10.2025
Complaint No.	MA NO. 448/2025 in CR/4895/2023 Case titled as Rakesh Gupta VS Landmarks Apartments Private Limited & Landmark the Residency & Landmark the Residency & Ravi Dabbas CRM
Complainant	Rakesh Gupta
Represented through	Sh. Tushar, proxy counsel
Respondent	Landmarks Apartments Private Limited & Landmark the Residency & Landmark the Residency & Ravi Dabbas CRM
Respondent Represented through	Sh. Jatin Sharma, Advocate
Last date of hearing	Application under Section 39
Proceeding Recorded by	H.R. Mehta and Kiran Chhabra

Proceedings-cum-Order

The above-mentioned matter was heard and disposed of vide order dated 19.03.2025 wherein, the Authority had directed the respondent to refund the balance amount of Rs.17,00,000/- paid by the complainant after deducting 10% of the sale consideration of Rs.57,17,750/- being earnest money along with prescribed rate of interest on the refundable amount, from the date the amount was supposed to be paid i.e. 28.11.2022 till its realization.

The complainant has filed an application for rectification of order dated 19.03.2025 stating that the occupation certificate dated 29.09.2020 does not consist of the Tower-B in which the unit of the applicant/complainant is situated. Thus, when there is no OC for Tower-B, then how the respondents can issue offer of possession. Since, the complainant failed to obtain OC for the



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हरियाणा भू-संपदा विनियमक प्राधिकरण, गुरुग्राम

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

MANO. 448/2025 In CR/794/2023

Tower-B, then only as per BBA clause 11.3, the applicant/complainant has surrendered the unit on 28.03.2022.

Vide proceedings dated 20.08.2025, the respondent was directed to file reply to the said application. However, no reply has been filed by it till date.

The counsel for the respondent clarifies at bar that occupation certificate which was received for Tower A has two blocks, Block A and Block B. The unit of the complainant is situated in Block B in Tower A. The same clarification has been given in two other matters.

It is observed that the said issue has already been dealt by the Authority in CR/794/2021 wherein the respondent has submitted that for the convenience purpose Tower-A has been further sub-divided into Block A and Block B as would be clear from the approved site plan and accordingly a reference to the said complaint was made in the proceedings dated 19.03.2025. Further, in the present matter, the respondent vide its reply to the complaint dated 03.07.2024 has admitted that the Occupation Certificate for the Tower in question was obtained by it from the competent authority on 25.09.2020.

Thus, in view of the facts discussed above, there is no error apparent from record which needs to be rectified. The application dated 02.06.2025 filed by the complainant for rectification of order dated 19.03.2025 passed by the Authority and the same is hereby declined.

Rectification application stands disposed of. File be consigned to registry.

Ashok Sangwan
Member
15.10.2025