

**BEFORE THE HARYANA REAL ESTATE REGULATORY
AUTHORITY, GURUGRAM**

Complaint No. : 401 of 2018
First date of hearing : 02.08.2018
Date of Decision : 05.09.2018

Mr. Sandeep Aneja & Mrs. Kumud Aneja,
R/o 1165, near Huda market, Sector-4,
Urban estate, Gurugram

...Complainants

Versus

Emaar MGF Land Limited, having corporate
office at : Emaar business park, MG road,
Sikanderpur, Sector- 28, Gurugram

...Respondent

CORAM:

Dr. K.K. Khandelwal
Shri Samir Kumar
Shri Subhash Chander Kush

**Chairman
Member
Member**

APPEARANCE:

Shri Sanjeev Sharma and Vibhor Bagga Advocate for the complainants
Shri Ketan Luthra, authorized representative with Shri Ishaan Dang Advocate for the respondent



SETTLEMENT ORDER INTERSE -

**Mr. Sandeep Aneja and anr (Complainant) & M/s Emaar MGF
land ltd.(Respondent)**

1. A complaint dated 07.06.2018 was filed under section 31 of the Real Estate (regulation & development) Act, 2016 read with rule 28 of the Haryana Real Estate (regulation and development) Rules, 2017 by the complainant Mr. Sandeep Aneja & Mrs. Kumud Aneja, against the promoter Emaar MGF Land Limited.
2. The particulars of the complaint are as under: -

1.	Name and location of the project	"Emerald Plaza" in sector-65, Gurugram
2.	Project area	3.96 acres
3.	Nature of the project	Commercial complex
4.	Unit no.	EPO-04-007
5.	Unit area	641 sq ft.
6.	Registered/ not registered	Not registered
7.	Date of builder buyer agreement	12.04.2010
8.	Total consideration	Rs.44,40,784/- (including all taxes)
9.	Total amount paid by the complainant	Rs. 39,95,660/-
10.	Payment plan	Construction linked Plan



3. As per the details provided above, the complainants, namely, Mr. Sandeep Aneja & Mrs. Kumud Aneja have raised contention that they had purchased a unit in multi storied commercial complex "Emerald Plaza" admeasuring 3.963 acres forming part of land on which license No. 10 of 2009 admeasuring 102.471 areas was obtained.

The complainants purchased unit no. EPO-04-007 measuring 641.17 sq ft retail shop and paid a booking amount of Rs 5,00,000. The builder buyer agreement was executed on 12.04.2010. The complainant made regular payments as and when demanded by the respondent and paid Rs 39,84,153 till June 2013. In January 2018, the respondent offered handing over the possession and raised a demand of Rs 4,51,253 as overdue amount, GST amount, electricity connection amount, IFMS etc.

4. Taking cognizance of the complaint, the authority issued notice to the respondent for filing reply and for appearance. Accordingly, the respondent appeared on 02.08.2018. The case came up for hearing on 02.08.2018 and 05.09.2018. The reply has been filed on behalf of the respondent on 16.08.2018.



5. It was brought to the notice of the authority that the project is registrable but so far it has not been registered which is violation of section 3(1) of the Real Estate (Regulation & Development) Act, 2016. The learned counsel for the respondent was asked to why penal proceedings should not be initiated against the respondent under section 59 for violation of section 3(1) of the Act *ibid*.

6. The counsel for the respondent stated that since detailed judgement in complaint bearing no. 07 of 2018 titled as Simmi Sikka versus M/s Emaar MGF Land Ltd has come up and the authority has decided the issue w.r.t. applicability of the Act and registration of the project.

7. Since the present case is of similar nature, the ratio of judgement in the Simmi Sikka's case *ibid* shall be applicable. Both the parties intended to settle the matter outside the authority proceedings in the light of judgement *ibid*.

Shree Sanjeev Sharma, counsel for the complainant too agreed to the proposal extended by the counsel for the respondent. As such, the matter stands settled in the eyes of law as per the judgement in Simmi Sikka's case.

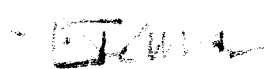
8. The order is pronounced.



9. Case file be consigned to the registry.

(Samir Kumar)
Member


(Subhash Chander Kush)
Member


(Dr. K.K. Khandelwal)
Chairman

Haryana Real Estate Regulatory Authority, Gurugram
Date : 05.09.2018



PROCEEDINGS OF THE DAY

Day and Date	Wednesday and 05.09.2018
Complaint No.	401/2018 Case titled as Mr. Sandeep Aneja & Another V/s M/s Emaar MGF Land Ltd.
Complainant	Mr. Sandeep Aneja & Another
Represented through	S/Shri Sanjeev Sharma and Vibhor Bagga, Advocate for the complainant
Respondent	M/s Emaar MGF Land Ltd.
Respondent Represented through	Shri Ketan Luthra authorized representative on behalf of the company with Shri Ishaan Dang, Advocate for the respondent
Last date of hearing	2.8.2018

Proceedings

The project is not registered.

It was brought to the notice of the authority that the project is registerable but so far it has not been registered which is violation of Section 3 (1) of the Real Estate (Regulation & Development) Act 2016. The learned counsel for the respondent has been asked to advise the respondent to do needful at the earliest and this be treated as the notice as to why penal proceedings should not be initiated against the respondent under section 59 for violation of Section 3 (1) of the Act ibid, where under

the penalty amount may extend upto 10% of the estimated costs of the Project.

Counsel for the complainant has filed written arguments.

Today the case was fixed for arguments. Just at the beginning, Shri J.K.Dang, Advocate counsel for the respondent-company has stated that since detailed judgment in complaint bearing No.07 of 2018 titled as Simmi Sikka versus M/s Emaar MGF Land Limited has come up and the authority has decided the issue w.r.t. applicability of the Act and registration of the project. As such, since the present case is of similar nature, the ratio of judgment in the Simmi Sikka's case ibid shall be applicable, both the parties intend to settle their matter outside the authority proceedings in the light of judgment ibid. Shri Sanjeev Sharma, counsel for the complainant too agreed to the proposal extended by the counsel for the respondent. As such, the matter stands settled in the eyes of law as per the judgment in Simmi Sikka's case. Detailed order will follow. File be consigned to the Registry.

Samir Kumar
(Member)

Subhash Chander Kush
(Member)

Dr. K.K. Khandelwal
(Chairman)
05.09.2018

