



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

1. COMPLAINT NO. 2223 OF 2019(5th hearing)

Amit MehraCOMPLAINANT(S)

VERSUS

M/s Piyush Buildwell India Ltd.RESPONDENT(S)

2. COMPLAINT NO. 2224 OF 2019(5th hearing)

Alok KumarCOMPLAINANT(S)

VERSUS

M/s Piyush Buildwell India LtdRESPONDENT(S)

3. COMPLAINT NO. 2225 OF 2019(5th hearing)

Alok Kumar PrasadCOMPLAINANT(S)

VERSUS

M/s Piyush Buildwell India LtdRESPONDENT(S)

4. COMPLAINT NO. 2226 OF 2019(5th hearing)

Akash GroverCOMPLAINANT(S)

VERSUS

M/s Piyush Buildwell India Ltd.RESPONDENT(S)

5. COMPLAINT NO. 2227 OF 2019(5th hearing)

Manish VasudevCOMPLAINANT(S)

VERSUS

M/s Piyush Buildwell India LtdRESPONDENT(S)

6. COMPLAINT NO. 2228 OF 2019(5th hearing)

TV KrishnamurthyCOMPLAINANT(S)

VERSUS

M/s Piyush Buildwell India LtdRESPONDENT(S)

7. COMPLAINT NO. 2229 OF 2019(5th hearing)

Piyush SinghalCOMPLAINANT(S)

VERSUS

M/s Piyush Buildwell India LtdRESPONDENT(S)

8. COMPLAINT NO. 2230 OF 2019(5th hearing)

Anubhav SahniCOMPLAINANT(S)

VERSUS

M/s Piyush Buildwell India LtdRESPONDENT(S)

9. COMPLAINT NO. 2231 OF 2019(5th hearing)

Arpit SoodCOMPLAINANT(S)

VERSUS

M/s Piyush Buildwell India LtdRESPONDENT(S)

10. COMPLAINT NO. 2232 OF 2019(5th hearing)

Atul Kumar SainiCOMPLAINANT(S)

VERSUS

M/s Piyush Buildwell India LtdRESPONDENT(S)

11. COMPLAINT NO. 2233 OF 2019(5th hearing)

Sourabh VermaCOMPLAINANT(S)

VERSUS

M/s Piyush Buildwell India LtdRESPONDENT(S)

12. COMPLAINT NO. 2234 OF 2019(5th hearing)

Rohit SinghCOMPLAINANT(S)

VERSUS

M/s Piyush Buildwell India LtdRESPONDENT(S)

13. COMPLAINT NO. 2235 OF 2019(5th hearing)

Sushil TiwariCOMPLAINANT(S)

VERSUS

M/s Piyush Buildwell India LtdRESPONDENT(S)

14. COMPLAINT NO. 2241 OF 2019(5th hearing)

Varun PradhanCOMPLAINANT(S)

VERSUS

M/s Piyush Buildwell India LtdRESPONDENT(S)

15. COMPLAINT NO. 2243 OF 2019(5th hearing)

Mahesh JoshiCOMPLAINANT(S)

VERSUS

M/s Piyush Buildwell India LtdRESPONDENT(S)

16. COMPLAINT NO. 2244 OF 2019(5th hearing)

Deepak Kumar SharmaCOMPLAINANT(S)

VERSUS

M/s Piyush Buildwell India LtdRESPONDENT(S)

17. COMPLAINT NO. 2245 OF 2019(5th hearing)

Sunil KumarCOMPLAINANT(S)

VERSUS



M/s Piyush Buildwell India LtdRESPONDENT(S)

18. COMPLAINT NO. 2247 OF 2019(5th hearing)

Raveesh RanjanCOMPLAINANT(S)

VERSUS

M/s Piyush Buildwell India LtdRESPONDENT(S)

19. COMPLAINT NO. 2248 OF 2019(5th hearing)

Sujeet KumarCOMPLAINANT(S)

VERSUS

M/s Piyush Buildwell India LtdRESPONDENT(S)

20. COMPLAINT NO. 2249 OF 2019(5th hearing)

Monika BansalCOMPLAINANT(S)

VERSUS

M/s Piyush Buildwell India Ltd.RESPONDENT(S)

21. COMPLAINT NO. 2250 OF 2019(5th hearing)

Kumar Abhishek VermaCOMPLAINANT(S)

VERSUS

M/s Piyush Buildwell India LtdRESPONDENT(S)

22. COMPLAINT NO. 2251 OF 2019(5th hearing)

Skalzang YoudonCOMPLAINANT(S)

VERSUS

M/s Piyush Buildwell India LtdRESPONDENT(S)

23. COMPLAINT NO. 2252 OF 2019(5th hearing)

Anurag MohanCOMPLAINANT(S)

VERSUS

M/s Piyush Buildwell India Ltd.RESPONDENT(S)

24. COMPLAINT NO. 2253 OF 2019(5th hearing)

Sunila KapoorCOMPLAINANT(S)

VERSUS

M/s Piyush Buildwell India LtdRESPONDENT(S)

25. COMPLAINT NO. 2255 OF 2019(5th hearing)

Namita KumariCOMPLAINANT(S)

VERSUS

M/s Piyush Buildwell India LtdRESPONDENT(S)

26. COMPLAINT NO. 2256 OF 2019(5th hearing)

Rajan BansalCOMPLAINANT(S)

VERSUS

M/s Piyush Buildwell India LtdRESPONDENT(S)

27. COMPLAINT NO. 2257 OF 2019(5th hearing)

Sonu KumarCOMPLAINANT(S)

VERSUS

M/s Piyush Buildwell India LtdRESPONDENT(S)

28. COMPLAINT NO. 2258 OF 2019(5th hearing)

Dolly TanejaCOMPLAINANT(S)

VERSUS

M/s Piyush Buildwell India LtdRESPONDENT(S)

29. COMPLAINT NO. 2259 OF 2019(5th hearing)

Prashant AjmeraCOMPLAINANT(S)



VERSUS

M/s Piyush Buildwell India Ltd

....RESPONDENT(S)

30. COMPLAINT NO. 2260 OF 2019(5th hearing)

Kapil Kumar

....COMPLAINANT(S)

VERSUS

M/s Piyush Buildwell India Ltd

....RESPONDENT(S)

31. COMPLAINT NO. 2261 OF 2019(5th hearing)

Anurag Badal

....COMPLAINANT(S)

VERSUS

M/s Piyush Buildwell India Ltd

....RESPONDENT(S)

32. COMPLAINT NO. 2262 OF 2019(5th hearing)

Amit Jain

....COMPLAINANT(S)

VERSUS

M/s Piyush Buildwell India Ltd

....RESPONDENT(S)

33. COMPLAINT NO. 2263 OF 2019(5th hearing)

Ashish Kudaisya

....COMPLAINANT(S)

VERSUS

M/s Piyush Buildwell India Ltd

....RESPONDENT(S)

34. COMPLAINT NO. 2264 OF 2019(5th hearing)

Sangeet Kumar

....COMPLAINANT(S)

VERSUS

M/s Piyush Buildwell India Ltd

....RESPONDENT(S)

35. COMPLAINT NO. 2265 OF 2019(5th hearing)

Arvind Mukherjee

....COMPLAINANT(S)



VERSUS

M/s Piyush Buildwell India Ltd

....RESPONDENT(S)

36. COMPLAINT NO. 2266 OF 2019(5th hearing)

Vikas Dara

....COMPLAINANT(S)

VERSUS

M/s Piyush Buildwell India Ltd

....RESPONDENT(S)

37. COMPLAINT NO. 2267 OF 2019(5th hearing)

Priyanka Maurya

....COMPLAINANT(S)

VERSUS

M/s Piyush Buildwell India Ltd

....RESPONDENT(S)

38. COMPLAINT NO. 2268 OF 2019(5th hearing)

Sushma Sharma

....COMPLAINANT(S)

VERSUS

M/s Piyush Buildwell India Ltd

....RESPONDENT(S)

39. COMPLAINT NO. 2269 OF 2019(5th hearing)

Somajit Deb

....COMPLAINANT(S)

VERSUS

M/s Piyush Buildwell India Ltd

....RESPONDENT(S)

40. COMPLAINT NO. 2270 OF 2019(5th hearing)

Shobhita Gupta

....COMPLAINANT(S)

VERSUS

M/s Piyush Buildwell India Ltd

....RESPONDENT(S)

41. COMPLAINT NO. 2272 OF 2019(5th hearing)

Ravi NarulaCOMPLAINANT(S)

VERSUS

M/s Piyush Buildwell India LtdRESPONDENT(S)

42. COMPLAINT NO. 2273 OF 2019(5th hearing)

Ravi ShankarCOMPLAINANT(S)

VERSUS

M/s Piyush Buildwell India LtdRESPONDENT(S)

43. COMPLAINT NO. 2274 OF 2019(5th hearing)

SP SinghCOMPLAINANT(S)

VERSUS

M/s Piyush Buildwell India LtdRESPONDENT(S)

44. COMPLAINT NO. 2275 OF 2019(5th hearing)

MeenakshiCOMPLAINANT(S)

VERSUS

M/s Piyush Buildwell India LtdRESPONDENT(S)

45. COMPLAINT NO. 2276 OF 2019(5th hearing)

Gaurav ChaurasiaCOMPLAINANT(S)

VERSUS

M/s Piyush Buildwell India LtdRESPONDENT(S)

46. COMPLAINT NO. 2318 OF 2019(5th hearing)

Sudhanshu TomarCOMPLAINANT(S)



VERSUS

M/s Piyush Buildwell India Ltd
V

....RESPONDENT(S)

47. COMPLAINT NO. 310 OF 2020(1st hearing)

Gopal Kanojia

....COMPLAINANT(S)

VERSUS

M/s Piyush Buildwell India Ltd

....RESPONDENT(S)

48. COMPLAINT NO. 311 OF 2020(1st hearing)

Amit Shukla

....COMPLAINANT(S)

VERSUS

M/s Piyush Buildwell India Ltd

....RESPONDENT(S)

49. COMPLAINT NO. 312 OF 2020(1st hearing)

Narender Kumar Singh Chauhan

....COMPLAINANT(S)

VERSUS

M/s Piyush Buildwell India Ltd

....RESPONDENT(S)

50. COMPLAINT NO. 313 OF 2020(1st hearing)

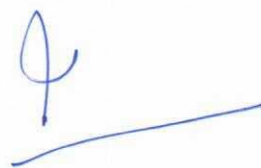
Vikas Arya

....COMPLAINANT(S)

VERSUS

M/s Piyush Buildwell India Ltd

....RESPONDENT(S)



51. COMPLAINT NO. 315 OF 2020(1st hearing)

Kunal Puri

....COMPLAINANT(S)

VERSUS

M/s Piyush Buildwell India Ltd

....RESPONDENT(S)

52. COMPLAINT NO. 316 OF 2020(1st hearing)

Rajan Bansal

....COMPLAINANT(S)

VERSUS

M/s Piyush Buildwell India Ltd

....RESPONDENT(S)

53. COMPLAINT NO. 317 OF 2020(1st hearing)

Anuradha Tiyaagi

....COMPLAINANT(S)

VERSUS

M/s Piyush Buildwell India Ltd

....RESPONDENT(S)

54. COMPLAINT NO. 318 OF 2020(1st hearing)

Dhananjay Kumar Singh

....COMPLAINANT(S)

VERSUS

M/s Piyush Buildwell India Ltd

....RESPONDENT(S)

55. COMPLAINT NO. 319 OF 2020(1st hearing)

Ankit Aggarwal

....COMPLAINANT(S)

VERSUS

M/s Piyush Buildwell India Ltd

....RESPONDENT(S)

56. COMPLAINT NO. 320 OF 2020(1st hearing)

Jatinder Singh Bhalla

....COMPLAINANT(S)

VERSUS

M/s Piyush Buildwell India Ltd

....RESPONDENT(S)

57. COMPLAINT NO. 322 OF 2020(1st hearing)

R K Sidhan

....COMPLAINANT(S)

VERSUS

M/s Piyush Buildwell India Ltd

....RESPONDENT(S)

58. COMPLAINT NO. 325 OF 2020(1st hearing)

Dhiraj Kumar

....COMPLAINANT(S)

VERSUS

M/s Piyush Buildwell India Ltd

....RESPONDENT(S)

59. COMPLAINT NO. 326 OF 2020(1st hearing)

Natarajan Ravindran

....COMPLAINANT(S)

VERSUS

M/s Piyush Buildwell India Ltd

....RESPONDENT(S)



60. COMPLAINT NO. 327 OF 2020(1st hearing)

Naresh Chaprana

....COMPLAINANT(S)

VERSUS

M/s Piyush Buildwell India Ltd

....RESPONDENT(S)

61. COMPLAINT NO. 328 OF 2020(1st hearing)

Shweta Mago

....COMPLAINANT(S)

VERSUS

M/s Piyush Buildwell India Ltd

....RESPONDENT(S)

62. COMPLAINT NO. 329 OF 2020(1st hearing)

Rajnish Dwivedi

....COMPLAINANT(S)

VERSUS

M/s Piyush Buildwell India Ltd

....RESPONDENT(S)

63. COMPLAINT NO. 330 OF 2020(1st hearing)

Jagdish Kumar

....COMPLAINANT(S)

VERSUS

M/s Piyush Buildwell India Ltd

....RESPONDENT(S)

64. COMPLAINT NO. 331 OF 2020(1st hearing)

Yesh Pal Singh

....COMPLAINANT(S)

VERSUS

M/s Piyush Buildwell India Ltd

....RESPONDENT(S)

65. COMPLAINT NO. 344 OF 2020(1st hearing)

Shrinkhala Mishra

....COMPLAINANT(S)

VERSUS

M/s Piyush Buildwell India Ltd

....RESPONDENT(S)

66. COMPLAINT NO. 345 OF 2020(1st hearing)

Ramesh Kumar Bajaj

....COMPLAINANT(S)

VERSUS

M/s Piyush Buildwell India Ltd

....RESPONDENT(S)

67. COMPLAINT NO. 347 OF 2020(1st hearing)

Inderjit Singh Kalsi

....COMPLAINANT(S)

VERSUS

M/s Piyush Buildwell India Ltd

....RESPONDENT(S)

68. COMPLAINT NO. 348 OF 2020(1st hearing)

Shashi Shukla

....COMPLAINANT(S)

VERSUS

M/s Piyush Buildwell India Ltd

....RESPONDENT(S)



69. COMPLAINT NO. 355 OF 2020(1st hearing)

Saroj Kalsi

....COMPLAINANT(S)

VERSUS

M/s Piyush Buildwell India Ltd

....RESPONDENT(S)

**CORAM: Rajan Gupta
Anil Kumar Panwar
Dilbag Singh Sihag**

**Chairman
Member
Member**

Date of Hearing: 17.03.2020

Present: - Ms. Aishwarya Dobhal, Counsel for complainant.

None for respondent.

ORDER (RAJAN GUPTA-CHAIRMAN)

1. Out of the captioned bunch of complaints, 46 complaints were received on 18.09.2019 and the remaining 23 were received in the office of the Authority on 27.02.2020. In the earlier bunch a notice was issued to the respondent on 20.09.2019 which was delivered to the respondent on 26.09.2019. The later bunch notice was issued on 03.03.2020 which was received by the respondent on 09.03.2020. Today is the 5th hearing in the first in the bunch of 46 number of complaints. Despite receipt of notice the respondent has not filed his reply. In the earlier orders the Authority had also observed that the promoter of the company are in jail in connection with certain other civil and criminal matters pending against them.

2. All the complainants have obtained possession of their apartments after fulfilling the requirements stipulated by the respondent. Now the prayer of all the complainants is to get conveyance deeds executed in their favour.
3. In order to arrive at just and fair conclusion of the matter, it is necessary to understand the facts of the cases. For this purpose, complaint No.2223 of Amit Mehra and Teena Mehra Versus Piyush Buildwell is taken as the lead complaint. The conclusion arrived at in this complaint no.2223/2019 will be applicable on the rest of the bunch also because the facts, circumstances and the prayer in all the complaints are similar.
4. The facts of the lead complaint No.2223 of 2019 are that the complainants purchased an apartment in the project Piyush Heights of the respondent located at Sector-89, Faridabad. The complainant was allotted flat No. C-413 on 27th November, 2016. The complainant had bought the flat/apartment from the first owner on 27th November, 2006. The Builder-Buyer agreement was signed between the parties on 02.08.2007. The complainant regularly paid all the instalments as per demands made by the respondent, and upto 5.12.2017 the complainant had paid an amount of Rs.33,40,901.10 against the projected price of Rs.25,22,695.00. An offer of possession was received by the complainant from the developer on 15.9.2017 subject to fulfilment of certain conditions. Thereafter, possession was handed over on 05.12.2017.



5. The complainant's grievance is that even after having cleared all the dues and after having received possession of the apartment, the respondent is not executing conveyance deeds in their favour. It is relevant to state that no specific written averment has been made by the complainant in respect of the receipt of occupation certificate, but verbally the complainants stated that the respondent has received the occupation certificate in respect of the colony. This averment is corroborated from the letter dated 15.9.2017 written by the respondent to the complainants vide which offer of possession was made.

In the prayer clause of the complaint the complainant has also stated that the respondent is demanding certain additional amount from them for getting the conveyance deed executed. The additional demands have been listed at Annexure P-IV, page-34 of the complaint. Which are as follows:

"1. Stamp Duty	Rs. 3,21,600.00
2. Registration Fee	Rs. 15,000.00
3. Processing charges	0.00
4. Red Cross Society Fee	Rs. 400.00
Total	Rs. 3,37,000.00
5. Other Incidental Charges/Expenses	Rs. 15,000.00
Total	Rs. 3,52,000.00"



6. Despite efforts and being given opportunities, the respondent has not filed his reply. Mr. Gaurav Gupta, Proxy counsel, Ms. Samiksha Sharma and Mr. Neeraj Gaur counsels have been appearing on different dates on behalf of the respondent, still the respondents have failed to file their reply. During some of the hearings the proxy counsels for the respondents had made a statement that certain holding charges are payable by the complainants due to which conveyance deed is not being executed. The respondents are ready to get the conveyance deed executed subject to payment of the holding charges as well as other charges as already conveyed.

6. The Authority has gone through the facts placed on file as well as the verbal submissions submitted by the counsel for the complainants as well as verbal arguments put-forth by the counsel/proxy counsel for the respondent. The Authority decides as follows:-

- (i) Sufficient opportunities have been given to the respondents in the first bunch of 46 number of complaints for submitting their reply. Despite receipt of notice the respondent have chosen not to file their reply. Proxy counsels of the respondent has been appearing but still the respondent has failed to comply with the requirements of submitting a reply. The Authority concludes that the respondents are not willing to submit their reply, therefore, now the matter is being decided on merits on the basis of the available facts.

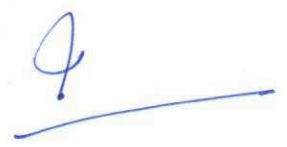


(ii) Admittedly the project is complete. Occupation certificate has already been received. The complainants have paid the entire consideration amount and possession has also been handed over to them. From this, it is concluded that when the possession was handed over, all the accounts between the complainants and the respondents would have been settled. The respondent would not have handed over the possession without receipt of entire due amounts. The verbal statement of the proxy counsel that holding charges may be due against some of the complainants cannot be held against the complainants in the absence of a written reply by the respondent and citation of precise amount of alleged holding charges payable. The holding charges is a concept which facilitate compensating the builders for the period during which an allottee had not taken the possession of an apartment after legal offer of possession had been made. The respondents have failed to cite any such period for which the complainants had delayed taking over the possession. More importantly once the possession has been handed over, it is to be presumed that on that date all the accounts were settled. Accordingly, the Authority will not take cognizance of mere verbal statement of the proxy counsel of the respondent that conveyance deeds are not being executed for the want of payment of holding charges.



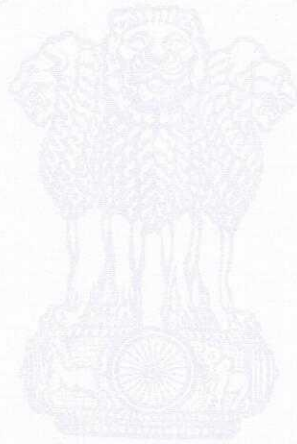
(iii) Regarding the charges mentioned at Annexure P-IV as has been produced in para 4 above it is observed that all these charges essentially are payable to the State Government authorities. These amounts have to be paid by the complainants but they can be paid directly by the complainants in the office of Registrar. These need not be routed through the respondent. It is accordingly ordered that complainants shall pay all the dues charges towards stamp duty, registration fee, Red-cross society fee etc. to the office of Registrar at their own level. The respondent, does not have a right to demand the payment of these amounts to them directly.

(iv) Accordingly, the complainants have a right to get the conveyance deed executed in their favour immediately. Complainants may take advice from the office of Registrar and calculate the stamp duty and other charges payable for getting the registration deeds executed. The Registrar of relevant jurisdiction of District Faridabad is hereby directed to help the complainants in calculating the charges of stamp duty etc. payable by each of the complainants. The complainants shall produce requisite stamp papers and submit the same in the office of the Registrar for execution of the conveyance deeds.



The respondents are hereby directed to participate in getting the conveyance deed executed either by presenting themselves or by authorising a senior officer of the company to do the needful on their behalf. The respondents are accordingly directed to get the conveyance deed executed within 45 days of uploading of these orders on the web portal of the Authority.

7. **Disposed of** in above terms. The orders be uploaded and file be consigned to the record room.



सत्यमेव जयते

RAJAN GUPTA
[CHAIRMAN]

ANIL KUMAR PANWAR
[MEMBER]

DILBAG SINGH SIHAG
[MEMBER]