

PROCEEDINGS OF THE DAY

Day and Date	Thursday and 13.12.2018
Complaint No.	03/2018 Case titled as Kulbhushan Gupta V/S Aaliyah Real Estate Pvt. Ltd.
Complainant	Kulbhushan Gupta
Represented through	Complainant in person with Shri Sukhbir Yadav, Advocate.
Respondent	Aaliyah Real Estate Pvt. Ltd.
Respondent Represented through	Shri Arun Kumar Yadav Advocate for the respondent.
Last date of hearing	27.11.2018
Proceeding Recorded by	Naresh Kumari

Proceedings

Counsel for the complainant submitted a Compromise deed dated 13.12.2018 arrived at between the parties which has been placed on record. This Compromise Deed has been signed by both the parties. Accordingly, the matter is disposed of in view of the compromise arrived at between the parties. Detailed order will follow. File be consigned to the registry.

Samir Kumar
(Member)
13.12.2018

Subhash Chander Kush
(Member)
13.12.2018

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

Complaint No. : 3 of 2018
Date of Institution : 16.2.2018
Date of Decision : 13.12.2018

Mr. Kulbhushan Gupta,
R/o - 1152, Sector - 4
Urban Estate, Haryana

Complainant

Versus

1. M/s Aaliyah Real Estate Private Ltd,
Office at: N- 71,
Panchsheel Park,
New Delhi

2. Virendera Kumar Bhatia
Office at: N- 71,
Panchsheel Park,
New Delhi
Also at: 271, Phase-2, Udyog Vihar,
Gurgaon, Haryana - 122016

3. Saahil Bhatia
Office at: N-71, Panchsheel Park,
New Delhi
Also at: 271, Phase-2, Udyog Vihar,
Gurgaon, Haryana - 122016

...Respondents



CORAM:

Shri Samir Kumar
Shri Subhash Chander Kush

Member
Member

APPEARANCE:

Complainant in person with
Shri Sukhbir Yadav
Shri Arun Kumar Yadav

Advocate for the complainant
Advocate for Respondent

Settlement Order interse

Mr. Kulbhushan Gupta – Complainant
AND

- 1. M/s Aaliyah Real Estate Private Ltd**
- 2. Virendera Kumar Bhatia**
- 3. Saahil Bhatia - Respondents**

1. A complaint dated 16.2.2018 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. Kulbhushan Gupta against the promoter M/s Aaliyah Real Estate Private Ltd. in respect of apartment/unit described below in the project 'Baani City Center', on account of violation of the section 11(4)(a) of the Act ibid.

2. Since, the buyer's agreement has been executed on 6.7.2014 i.e. prior to the commencement of the Real Estate (Regulation and Development) Act, 2016, therefore, the penal proceedings cannot be initiated retrospectively, hence, the authority has decided to treat the present complaint as an application for non-compliance of contractual obligation on



the part of the promoter/respondent in terms of section 34(f) of the Real Estate (Regulation and Development) Act, 2016.

3. The particulars of the complaint are as under: -

1.	Name and location of the Project	'Baani City Center' Sector 63, village Maidawas, Gurgaon, Haryana.
2.	Registered / Not Registered	Not registered
3.	Unit/ Villa No.	CG-038, ground floor, Promenade block floor.
4.	Unit measuring	578 sq. ft.
5.	Date of Booking	19.9.2011
6.	Booking amount	Rs.3,75,700/-
7.	Total consideration	Rs.46,77,489
8.	Percentage of considerate amount	57.19%
9.	Date of Execution of SBA	6.6.2014
10.	Amount paid by the complainant till date	Rs.26,75,332/-
11.	Payment plan	Development Link-Retail
12.	Due date of offer of possession.	6.6.2018 Clause 2.1 - 42 months from the date of approval of building plans or date of execution of SBA + 180 days extension period.
13.	Date of delivery of possession	5.2.2018(No delay)
14.	Penalty clause as per builder buyer agreement dated 1.5.2013	Clause 2.6- simple interest @9% p.a on the amount paid by intending purchaser for actual time period of delay beyond grace period until date of



		notice of possession.
15.	Date of application for OC	22.5.2017
16.	OC granted on	16.1.2018

4. The details provided above have been checked on the basis of record available in the case file which has been provided by the complainant and the respondent. An office space buyers agreement is available on record for unit no. CG-038 according to which the possession was to be delivered by 6.6.2018.
5. Taking cognizance of the complaint, the authority issued notice on 19.3.2018 to the respondent for filing reply and for appearance. The respondent appeared on 10.4.2018. The case came up for hearing on, 10.4.2018, 24.4.2018, 17.5.2018, 5.7.2018, 10.7.2018, 9.8.2018, 16.8.2018, 12.9.2018. The reply on behalf of the respondent has been filed.
6. On 13.12.2018 the learned counsel for the complainant as well as respondent informed the authority that they have arrived at compromise and accordingly, the complainant does not intend to pursue the complaint.



Therefore the counsel for the respondent had filled compromise dated 13.12.2018 signed by both the

complainants and the authorized signatory of the respondent company and the same has been placed on record for further reference and record.

7. Since both the parties have expressed their satisfaction over the amicable settlement. As such, their contentious issues stand resolved. The complaint dated 16.2.2018 is disposed of accordingly.
8. The order is pronounced.
9. Case file be consigned to the registry.

(Samir Kumar)
Member

(Subhash Chander Kush)
Member

Haryana Real Estate Regulatory Authority, Gurugram
Dated: 13.12.2018

HARERA
GURUGRAM



Judgement uploaded on 05.01.2019