

**PROCEEDINGS OF THE DAY**

Day and Date	Wednesday and 16.01.2019
Complaint No.	470/2018 Case titled as Ms. Pooja Sharma & Anr. V/S M/S Emaar Mgf Land Ltd
Complainant	Ms. Pooja Sharma & Anr.
Represented through	Shri Sanjeev Sharma Advocate for the complainant.
Respondent	M/S Emaar Mgf Land Ltd
Respondent Represented through	Shri Ketan Luthra, authorized representative on behalf of the respondent-company with Shri Ishaan Dang, Adv. for the respondent.
Last date of hearing	7.12.2018
Proceeding Recorded by	Naresh Kumari & S.L.Chanana

**Proceedings**

**Project is not registered with the authority.**

Since the project is not registered, as such notice under section 59 of the Real Estate (Regulation & Development) Act, 2016 for violation of section 3(1) of the Act be issued to the respondent. Registration branch is directed to do the needful.

Arguments heard.

The three different issues were raised during arguments:-

(i) payment of interest for every month of delay in handing over possession. The authority decides that promoter shall be liable to pay interest

for every month of delay till handing over the possession at the prescribed rate

(ii) Not following the specifications and plans.

As sufficient documents have not been provided neither in the amended complaint nor in previously filed complaint, this issue has been raised, accordingly, no views are expressed by the authority. Complainant shall be at liberty to file a complaint with sufficient proof and documents specifically quoting the violation of provision of agreement for sale. The authority decided to take suo-moto cognizance of the violation and the matter will be listed for 21.2.2019. Meanwhile, Secretary of the authority alongwith Engineering Executive and Planning Executive are appointed Investigating Officers under section 35 (1) of the RERA Act. The Investigating Officers may call for information and conduct investigations regarding not providing facilities as per BBA, variations of specifications and approved plans, charging of any amount which is otherwise not provided in the agreement for sale and similar connected matters. The counsel for the respondent was asked to submit details of the unit sold alongwith the super area charged from the allottee unit wise and total sold area in the project within fifteen days to Secretary of the authority.

(iii) Holding charges.

For the time being, till final view is taken by the authority regarding holding charges, these shall not be applicable for the period the matter remained sub-judice.

The matter regarding appointment of Local Commissioner was disputed by the counsel for the respondent. For the time being, there is no requirement for appointing LC till a specific complaint is made regarding approved plans and specifications by the complainant and violation of the agreement for sale, as and when, such matter comes before the authority, appropriate view will be taken.

The Investigating Officers shall be at liberty to appoint local commissioner or any other professional/technical person for preparing his report. Matter regarding suo-moto issue taken by the authority to come upon on 21.2.2019 for which the Legal Officer of the authority shall present the case before the authority and complainants in this complaint alongwith other similar complaints may also represent. The allottees are advised to take possession and after possession, if they come to know any deficiencies they may approach the appropriate forum. Matter is disposed of accordingly. File be consigned to the registry.

Samir Kumar  
(Member)

Subhash Chander Kush  
(Member)

Dr. K.K. Khandelwal  
(Chairman)  
16.01.2019