

PROCEEDINGS OF THE DAY

Day and Date	Thursday and 15.07.2021
Complaint No.	CR/84/2021 Case titled as JP Sablani VS ADTV Communication Pvt Ltd
Complainant	JP Sablani
Represented through	S/Shri Abhay Jain & Rishabh Jain Advocates
Respondent	ADTV Communication Pvt Ltd
Respondent Represented through	
Last date of hearing	27.04.2021
Proceeding Recorded by	Naresh Kumari and HR Mehta

Proceedings

Reply not filed by the respondent. Respondent is directed to file reply within two weeks with an advance copy to the complainant.

On 21.12.2020, the Authority directed to issue bailable warrants against the directors of the respondent to appear in person alongwith record of allotted unit, details regarding payment, cancellation, if any and also to submit copy of occupation certificate, deed of declaration filed subsequently and copy of application for occupation certificate alongwith annexures before the authority on 24.02.2021. Authority had also ordered to issue summons to the Manager of the Company.

This complaint has been filed under section 31 of the Real Estate (Regulation and Development) Act, 2016 for violation and contravention of section 11 of the Act for not handing over possession on the due date and also requesting the authority to ensure compliance of obligations of the promoter



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HARYANA REAL ESTATE REGULATORY AUTHORITY
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हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

as proviso to section 18 of the Act. In such eventuality, the Authority is of the opinion that to decide this complaint, promoter has to furnish in writing such information as has been mentioned above.

The Authority in exercise of powers conferred under section 35 (2) (i) of the Act hereby orders to the respondent for discovery and production of books of account and other documents on the next date of hearing i.e. 30.07.2021 at 11.00 AM before the Authority.

The Authority is further of the opinion that it is essential to summon and enforce the attendance of the directors of the company and examine them on oath regarding various facts and circumstances of this project. The bailable warrants were issued in this matter but service report is not available on the file. Meanwhile the counsel for the complainant is directed to submit documents which would give proof of the date of start of construction for grant of delayed possession charges as due date of possession is required to be ascertained which is as per clause 10 of the Flat Buyer Agreement i.e. the possession of the said flat is likely to be delivered by the company to the allottees within 36 months from the date of start of construction.

In case allotment has been cancelled then also the promoter is directed to submit record relating to cancellation of the unit. In case of cancellation of unit, the respondent is directed not to further allotment be made to third party before this matter is decided by the Authority.

A Local commission is also appointed to visit site and ascertain the status of construction. For this purpose, Shri Sumit Nain, Engineer Executive is appointed as a Local Commission to investigate the status of construction and investigate whether the project is registerable or not and promoter has failed to obtain registration. LC is directed to submit his report within a week. In case of violation in this regard, necessary penal proceedings be initiated against the promoter.



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**HARYANA REAL ESTATE REGULATORY AUTHORITY
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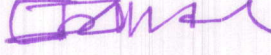
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Matter to come up on 30.07.2021 for further proceedings.


Samir Kumar
Member


Dr. KK Khandelwal
Chairman
15.07.2021


Vijay Kumar Goyal
Member