

Vipul Ltd. Vs. HRERA, Gurugram  
Appeal No.445 of 2020

Present: Shri Vineet Sehgal, Advocate, Ld. counsel for the appellant.

{The aforesaid presence is being recorded through video conferencing}

We have received the copy of report of inquiry conducted by Ms. Suprabha Dahiya, IAS (Retd.), Investigating Commissioner appointed by the Ld. Haryana Real Estate Regulatory Authority, Gurugram (hereinafter referred as, 'the Ld. Authority') vide impugned order dated 10.11.2020. Copy of the inquiry report has been supplied to Ld. counsel for the appellant. The relevant portion of impugned order reads as under:-

*“Under Section 35 of the Real Estate (Regulation and Development) Act, 2016, Smt. Suprabha Dahiya, IAS (Retd.), is appointed as the Investigating Commissioner to enquire;*

- i) The circumstances under which possession was not granted within the time as per statutory provisions;*
- ii) The likelihood of non-completion of the works of pre-requisite for issuance of occupation certificate on the date of applying for occupation certificate and even on the date of receiving occupation certificate.*

*The Investigating Commissioner should submit her report before the authority within one month. Legal and Research Branch to initiate proceedings accordingly.*

*Complaint stands disposed of. File be consigned to the registry.”*

2. It is evident that the Ld. Authority while exercising the powers under Section 35 of the Real Estate (Regulation & Development) Act, 2016 (hereinafter referred as, 'the Act') has appointed Ms. Suprabha Dahiya, IAS (Retd.), as an Investigating Commissioner to enquire into two issues reproduced above.

3. We have received the copy of the inquiry report dated 24<sup>th</sup> February, 2021 from the office of the Ld. Authority. In the said inquiry, both the issues have been decided in favour of the appellant. The Ld. Investigating Commissioner has given a categorical finding that the occupation certificate was issued to the appellant on 01<sup>st</sup> June, 2016 and

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the possession was offered to the allottee on 06<sup>th</sup> June, 2016 i.e. just within 06 days of obtaining the occupation certificate. Allottees have started process of taking the possession within 30 days from the date of offer of the possession i.e. in July, 2016. It is further mentioned that the possession was offered to the allottees within 03 months of the receipt of occupation certificate in compliance of the statutory provisions of the Act. Even Deed of Declaration was registered on 28<sup>th</sup> August, 2016.

4. Similarly regarding issue No.2, the Ld. Investigating Commissioner has categorically mentioned that the record submitted by the office of the District Town Planner, Gurugram and the possession reports of the allottees submitted by the appellant indicated that the building was complete in all respects on the date of inspection by the staff of DTP office Gurugram on 29.03.2016 and on the receipt of the occupation certificate on 01.06.2016, the allottees had started taking possession of their units within 30 days of the offer of possession i.e. in July, 2016. Thus, the findings on both these issues have been returned in favour of the appellant-promoter.

5. Thus, nothing survives in the present appeal. Hence, the present appeal is hereby disposed of accordingly.

6. Copy of this order be communicated to the concerned parties.

7. File be consigned to the record.

Justice Darshan Singh (Retd.)  
Chairman,  
Haryana Real Estate Appellate Tribunal,  
Chandigarh

Inderjeet Mehta  
Member (Judicial)

Anil Kumar Gupta  
Member (Technical)

26.07.2021  
Manoj Rana