



HARERA
GURUGRAM

**HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM**

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

New PWD Rest House, Civil Lines, Gurugram, Haryana

नया पी डब्ल्यू डी. विश्राम गृह सिविल लाईंस गुरुग्राम हरियाणा

PROCEEDINGS OF THE DAY

| | |
|--------------------------------|--|
| Day and Date | Tuesday and 06.07.2021 |
| Complaint No. | CR/3195/2020 Case titled as Tushar Adesara VS BPTP Limited |
| Complainant | Tushar Adesara |
| Represented through | Ms. Priyanka Agarwal Advocate |
| Respondent | BPTP Limited |
| Respondent Represented through | Shri Venket Rao Advocate |
| Last date of hearing | 08.04.2021 |
| Proceeding Recorded by | Naresh Kumari and HR Mehta |

Proceedings

Arguments heard.

All the matters related to the project 'Park Generations' and 'Spacio' of BPTP as listed below were fixed for hearing and have been heard in a bunch as there were common issues involved in the matters.

| S. No | Complaint Number | Title of the case | Project |
|-------|------------------|---|------------------|
| 1 | CR/2843/2019 | Apoorva Dewan V/S BPTP Limited | Park Generations |
| 2 | CR/373/2019 | Mr Hardeep Singh and Mrs Satinder Kaur V/S BPTP Limited | Park Generations |
| 3 | CR/74/2019 | Dr Varun Grover and Dr Shalini Grover V/S BPTP Limited | Park Generations |
| 4 | CR/628/2019 | Mr Umesh Sehgal and Mrs Sonia Arora V/S BPTP Limited | Park Generations |
| 5 | CR/947/2019 | Mr Anuj Mehta and Mrs Sukhbir Rani Mehta V/S BPTP Limited | Park Generations |
| 6 | CR/1099/2019 | Mrs Monika Miglani V/S BPTP Limited | Park Generations |

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Act No. 16 of 2016 Passed by the Parliament

भू-संपदा (विनियमन और विकास) अधिनियम, 2016 की धारा 20 के अंतर्गत गठित प्राधिकरण
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| | | | |
|----|--------------|--|------------------|
| 7 | CR/2221/2018 | Mrs Rashmi Budhraja V/S BPTP Limited | Park Generations |
| 8 | CR/5362/2019 | Sanjeet Kumar V/S BPTP Limited | Park Generations |
| 9 | CR/5374/2019 | Rekha Sharma V/S BPTP Limited | Park Generations |
| 10 | CR/6340/2019 | Ankur Gupta V/S BPTP Limited | Park Generations |
| 11 | CR/5622/2019 | Vimal Kumar V/S BPTP Limited | Park Generations |
| 12 | CR/5996/2019 | Munish Kumar V/S BPTP Limited | Park Generations |
| 13 | CR/6609/2019 | Badle Ram Dahiya And Sumitra Dahiya V/S BPTP Limited | Park Generations |
| 14 | CR/6170/2019 | Yogesh Sharma V/S BPTP Limited | Park Generations |
| 15 | CR/6164/2019 | Pankaj Kaushik V/S BPTP Limited | Park Generations |
| 16 | CR/6104/2019 | Sunita Joshi V/S BPTP Limited | Park Generations |
| 17 | CR/409/2020 | Ashima Arora V/S BPTP Limited | Park Generations |

| S.No | Complaint Number | Title of the case | Project |
|------|------------------|---|---------|
| 1 | CR/561/2019 | Om Prakash Bhargava V/S BPTP Limited | Spacio |
| 2 | CR/4308/2019 | Hitesh Tuteja And Kailash Tuteja V/S BPTP Limited | Spacio |
| 3 | CR/1845/2019 | Pavan Datta V/S BPTP Limited | Spacio |
| 4 | CR/5602/2019 | Tarun Tuli V/S BPTP Limited | Spacio |
| 5 | CR/6711/2019 | Anjali Sachdeva V/S BPTP Ltd. | Spacio |
| 6 | CR/107/2020 | Pradeep Chaudhary V/S BPTP Limited | Spacio |
| 7 | CR/285/2020 | Deepak Sharma V/S BPTP Limited | Spacio |
| 8 | CR/291/2020 | Brijesh Kumar Sharma V/S BPTP Limited | Spacio |
| 9 | CR/1260/2020 | Nirmal Kanta Sood V/s BPTP Limited | Spacio |
| 10 | CR/623/2020 | Pankaj Pandey V/s BPTP Limited | Spacio |
| 11 | CR/3370/2020 | Ranjan Srinath V/S BPTP Limited | Spacio |
| 12 | CR/3195/2020 | Tushar Adesara V/S BPTP Limited | Spacio |
| 13 | CR/3203/2020 | Vijay Kumar Jadhav V/S BPTP Limited | Spacio |
| 14 | CR/3377/2020 | Vijay Kumar V/S BPTP Limited | Spacio |
| 15 | CR/3337/2020 | Saurabh Gupta V/S BPTP Limited | Spacio |
| 16 | CR/3340/2020 | Sushil Kumar Jain V/S BPTP Limited | Spacio |

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| | | | |
|----|--------------|---|--------|
| 17 | CR/3333/2020 | Hanish Sethi V/S BPTP Limited | Spacio |
| 18 | CR/3376/2020 | Vikas Mehta V/S BPTP Limited | Spacio |
| 19 | CR/3350/2020 | Badri Prasad Gupta V/S BPTP Limited | Spacio |
| 20 | CR/3346/2020 | Deepa Gupta V/S BPTP Limited | Spacio |
| 21 | CR/3378/2020 | Susdesb Gupta V/S BPTP Limited | Spacio |
| 22 | CR/3379/2020 | Rajesh Kumar V/S BPTP Limited | Spacio |
| 23 | CR/3382/2020 | Indu Deshwar Sachdev V/S BPTP Limited | Spacio |
| 24 | CR/3380/2020 | Deepak Luthra V/S BPTP Limited | Spacio |
| 25 | CR/3394/2020 | Ajay Chaturvedi V/S BPTP Limited | Spacio |
| 26 | CR/3388/2020 | Sudhanshu Singhal V/S BPTP Limited | Spacio |
| 27 | CR/3392/2020 | Amol Sinha V/S BPTP Limited | Spacio |
| 28 | CR/2772/2020 | Nitin Kumar V/S BPTP Limited | Spacio |
| 29 | CR/3604/2020 | Kiran Singh V/S BPTP Limited | Spacio |
| 30 | CR/3374/2020 | Ramji Gupta V/S BPTP Limited | Spacio |
| 31 | CR/3540/2020 | Rajesh Garg V/S BPTP Limited | Spacio |
| 32 | CR/3381/2020 | Ashish Midhha V/S BPTP Limited | Spacio |
| 33 | CR/3670/2020 | Narender Kumar Sharma V/S BPTP Limited | Spacio |
| 34 | CR/3734/2020 | Digvijay Singh V/S BPTP Limited | Spacio |
| 35 | CR/2823/2020 | Vivek kumar Agarwal V/S BPTP Limited | Spacio |
| 36 | CR/2671/2020 | Mukesh Agarwal V/S BPTP Limited | Spacio |
| 37 | CR/3013/2020 | Vishal Rana V/S BPTP Limited | Spacio |
| 38 | CR/3012/2020 | Ankita Sharma V/S BPTP Limited | Spacio |
| 39 | CR/3009/2020 | Mrs. Shilpa S V/S BPTP Limited | Spacio |
| 40 | CR/3010/2020 | Kirti Rathore V/S BPTP Limited | Spacio |
| 41 | CR/2940/2020 | Sachidanand Singh V/S BPTP Limited | Spacio |
| 42 | CR/605/2021 | Sanmir Singh Chandhoke V/S BPTP Limited | Spacio |
| 43 | CR/2936/2020 | Ila Vashista V/s BPTP Limited | Spacio |
| 44 | CR/2949/2020 | Deeksha Seethapathy V/S BPTP Limited | Spacio |
| 45 | CR/3199/2020 | Vaibhav Gupta V/S BPTP Limited | Spacio |
| 46 | CR/3137/2020 | Satyender Kumar Nath V/S BPTP Limited | Spacio |

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|----|--------------|--|--------|
| 47 | CR/3196/2020 | Swati Virmani V/S BPTP Limited | Spacio |
| 48 | CR/3139/2020 | Sonia Sharma V/S BPTP Limited | Spacio |
| 49 | CR/3134/2020 | Satyanarayan Panda V/S BPTP Limited | Spacio |
| 50 | CR/3126/2020 | Pawan Kumar V/S BPTP Limited | Spacio |
| 51 | CR/3605/2020 | Hari Narayan Singh V/S BPTP Limited | Spacio |
| 52 | CR/3365/2020 | Chhaya Gunawat V/S BPTP Limited | Spacio |
| 53 | CR/3940/2020 | Namrata Sharma V/S BPTP Limited | Spacio |
| 54 | CR/3886/2020 | Ranjeet Sharma V/S BPTP Limited | Spacio |
| 55 | CR/4170/2020 | NS Krishnan V/S BPTP Limited | Spacio |
| 56 | CR/4119/2020 | Amit Arora V/S BPTP Limited | Spacio |
| 57 | CR/351/2021 | Rohit Madhok V/S BPTP Limited | Spacio |
| 58 | CR/80/2021 | Ritu Grover V/S BPTP limited | Spacio |
| 59 | CR/5004/2020 | Dharmender Sharma V/S BPTP limited | Spacio |
| 60 | CR/3389/2020 | Shriya Chakraborty V/S BPTP Limited | Spacio |
| 61 | CR/1027/2021 | Amrender Kumar V/S BPTP Ltd | Spacio |
| 62 | CR/1065/2021 | Jyant Shrma V/S BPTP Ltd | Spacio |
| 63 | CR/928/2021 | Pawan Kumar V/S BPTP Ltd | Spacio |
| 64 | CR/1289/2021 | Ms. Banita Padmakar Tambare V/S BPTP Ltd | Spacio |
| 65 | CR/1190/2021 | Veer Mander Singh Bashin V/S BPTP Ltd | Spacio |
| 66 | CR/1070/2021 | Gaurav Choudhrey V/S BPTP Ltd | Spacio |
| 67 | CR/1177/2021 | Sandeep Verma V/S BPTP Ltd | Spacio |
| 68 | CR/1192/2021 | Dheeraj Khajuria V/S BPTP Ltd | Spacio |
| 69 | CR/1285/2021 | Ashish Mehta V/S BPTP Ltd | Spacio |
| 70 | CR/1217/2021 | Mokssh Sharma V/S BPTP Ltd | Spacio |
| 71 | CR/4428/2020 | Archna V/S BPTP Limited | Spacio |
| 72 | CR/1209/2021 | Hemant K Talekar V/S BPTP | Spacio |
| 73 | CR/1245/2021 | Puneet Manjal V/S BPTP | Spacio |
| 74 | CR/1228/2021 | Vineet Umesh Gupta V/S BPTP | Spacio |
| 75 | CR/1226/2021 | Sunita Garg V/S BPTP LIMITED | Spacio |
| 76 | CR/1238/2021 | Amitab Khare and Mrs. Seema Khare V/S BPTP LIMITED | Spacio |
| 77 | CR/1237/2021 | Rajesh Rana V/S BPTP LIMITED | Spacio |

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|----|--------------|--|--------|
| 78 | CR/1227/2021 | Vikrant Mishra and Mrs. Arti Mishra V/S BPTP LIMITED | Spacio |
| 79 | CR/1407/2021 | Subhamvada Singh V/S BPTP Limited | Spacio |
| 80 | CR/1218/2021 | Lokesh Malik and Mrs. Anjali Malik V/S BPTP | Spacio |
| 81 | CR/1214/2021 | Himanshu Malik And Priti Malik V/S BPTP | Spacio |
| 82 | CR/1229/2021 | Amit Bhardwaj V/S BPTP | Spacio |
| 83 | CR/1617/2021 | Anjli V/S BPTP | Spacio |
| 84 | CR/1615/2021 | Nalini Kant Thakur and Annu V/S BPTP | Spacio |
| 85 | CR/1332/2021 | Vishal Chabra V/S BPTP | Spacio |
| 86 | CR/1290/2021 | Surender Kumar V/S BPTP | Spacio |
| 87 | CR/1642/2021 | Ajay Kumar V/S BPTP | Spacio |
| 88 | CR/1725/2021 | Kulbhushan Gupta V/S BPTP | Spacio |
| 89 | CR/2027/2021 | Parveen Jaiswal V/S BPTP | Spacio |
| 90 | CR/1917/2021 | Deep Kalucha V/S BPTP | Spacio |
| 91 | CR/1900/2021 | Prem Singh Parihar V/S BPTP | Spacio |
| 92 | CR/2061/2021 | Sushila Malik and Shalil Anand V/S BPTP | Spacio |
| 93 | CR/2063/2021 | Sushila Malik and Shalil Anand V/S BPTP | Spacio |
| 94 | CR/1721/2021 | Namita Tripathi and Rahul Tripathi V/S BPTP | Spacio |
| 95 | CR/2374/2021 | Rinchen Palmokh and Dorje Namgail V/S BPTP | Spacio |
| 96 | CR/2375/2021 | Rajesh Malhotra V/S BPTP | Spacio |
| 97 | CR/2395/2021 | Mrs. Sarika Choudhrey V/S BPTP | Spacio |
| 98 | CR/2377/2021 | Tara Devi Agarwal V/S BPTP | Spacio |

The counsel for the allottees submitted that they are entitled for their statutory legal right under Section 18 (1) of the Act i.e., delayed possession charges at the prescribed rate of interest i.e., @ 9.30% per annum and the same has been taken on record.

The bench has decided that in those matters where the occupation certificate has been obtained, delayed possession charges are to be calculated till two months from the date of offer of possession.

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At the time of taking physical possession, both the parties are directed to settle their inter se issues in the interest of justice and resolve the matter at the earliest for taking physical possession of the respective unit.

Objections, if any, may be filed by the respondent.

In cases of transfer of units, respondent shall submit the written arguments that may be taken on record.

In complaint No.623 of 2020 -- the complainant has submitted additional application seeking possession and challenging the termination. The respondent is directed to file reply within a period of two weeks.

In the matters where reply has not so far been filed, respondent is directed to file reply within two weeks failing which heavy costs will be imposed upon the respondent.

As far as complaint No.4428/2020 is concerned, in the proceedings dated 08.04.2021, the complainant had disputed on the settlement arrived in the Mediation, accordingly the Authority had passed the following order: -

The respondent is directed to hand over the physical possession of the unit to the complainant after completing all the pending works within a period of one month in compliance of the settlement deed arrived between the parties during mediation irrespective of the payment of Rs. 2 Lakhs made by the complainant which will be paid to the complainant after conveyance deed.

The respondent has requested that the matter may be heard afresh. The Authority had observed that this settlement has been abrogated accordingly matter may be heard afresh. However, the issue regarding payment of Rs.2 Lacs to be paid by the complainant to the respondent and execution of conveyance deed by the respondent thereon be heard afresh. Therefore, the settlement correcting the proceedings dated 08.04.2021 the settlement is abrogated and the next date of hearing 17.08.2021.

So far as all other sundry issues listed below are concerned i.e.,

1. Super area,
2. Cost escalation,
3. STP/electrification charges,
4. Taxes, GST VAT etc.



5. Club membership charges
6. Car parking charges
7. EDC and IDC.

a committee consisting of the following members is constituted: -

| Sr. No. | Name |
|---------|--|
| 1 | Shri Manik Sonawane IAS retired |
| 2 | Shri R.K.Singh CTP retired |
| 3. | Shri Laxmi Kant Saini CA |
| 4. | Two representatives of the respondent company: - Shri Rakesh Kumar Agarwal, Senior General Manager, Finance & Accounts Shri Sunil Kumar Jha, Senior Vice President (Architecture) |
| 5. | Two nominees of the allottees |

The committee headed by Shri Manik Sonawane (IAS retired) will have a depth analysis in the matters related to the project in question.

The committee members will be paid the honorarium mentioned against each of them for all the cases under consideration.

| Sr. No. | Name | Honorarium to be paid |
|---------|---------------------------------|---|
| 1 | Shri Manik Sonawane IAS retired | Actual expenses plus TA/DA admissible to him Rs. 5,00,000/- honorarium |
| 2 | Shri R.K.Singh CTP retired | Rs. 2,50,000/- |
| 3. | Shri Laxmi Kant Saini CA | Rs. 2,50,000/- |



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
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| | | |
|----|---|-----|
| 4. | Two representatives of the respondent company: - Shri Rakesh Kumar Agarwal, Senior General Manager, Finance & Accounts Shri Sunil Kumar Jha, Senior Vice President (Architecture) | Nil |
| 5. | Two nominees of the allottees | Nil |

The cost of the honorarium to be paid to the members of the committee shall be borne by the respondent.

The Committee shall submit his report within a period of 15 days.

Matter to come up on **17.08.2021**.


Samir Kumar
Member


Dr. KK Khandelwal
Chairman
06.07.2021


Vijay Kumar Goyal
Member