



**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	Wednesday and 28.07.2021
Complaint No.	CR/490/2018 Case titled as Vibha Gandhi VS alpha corp. Development pvt limited
Complainant	Vibha Gandhi
Represented through	Shri JM Chhabra father of the complainant in person
Respondent	Alpha Corp. Development Pvt limited
Respondent Represented	Shri Vikas Verma Advocate
Last date of hearing	12.05.2021 (remand back case)
Proceeding Recorded by	Naresh Kumari and HR Mehta

### Proceedings

Vide order dated 01.02.2021 the Hon'ble Appellate Tribunal has passed the following order while deciding appeal which was filed by the respondent company against the orders of the Authority. The relevant paras of the order are re-produced as under:-

*Para No.23: Before parting with this judgment, it is pertinent to mention that the respondent/allottee purchased the flat in question from the original allottee on 01.12.2011. The Buyer's Agreement was executed on 03.09.2011. The total consideration of the flat was Rs.45,99,629/-. The respondent/allottee has already paid the amount of Rs.43,17,465/- to the appellant/promoter. Thus, the substantial amount has already been paid by the respondent/allottee but yet she has not been delivered the possession of the apartment. Learned counsel for the respondent/allottee and is to pay an amount of Rs. 6,33,197/- towards delayed interest as per the order of the learned Authority. Learned counsel for the appellant has now pleaded that the aforesaid amount does not include the holding charges etc. and the appellant/promoter is to recover much more amount. The respondent/allottee had purchased the apartment nine years back. Substantial portion of the basic sale price has already been paid but still she has been deprived of the possession. We are convinced that a direction should be given to the appellant/promoter to deliver the possession*

An Authority constituted under section 20 the Real Estate (Regulation and Development) Act, 2016  
Act No. 16 of 2016 Passed by the Parliament

भू-संपदा (विनियमन और विकास) अधिनियम, 2016 की धारा 20 के अर्तगत गठित प्राधिकरण  
भारत की संसद द्वारा पारित 2016 का अधिनियम संख्यांक 16





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*to the respondent/allottee on part payment because the decision of the case will take time as the case is being remanded to the learned Authority for re-trial.*


*In view our aforesaid discussions, the present appeal is hereby allowed, the impugned order dated 10.12.2019 passed by the learned Authority is hereby set aside and the case is remanded to the learned Authority for fresh decision by following the principles of natural justice and in accordance with law. The learned Authority will ensure that the possession of the apartment allotted to the respondent/allottee be delivered to the respondent/allottee within two weeks of her depositing a sum of Rs.2,00,000/- with the appellant/promoter, however the final settlement of the accounts shall be subject to the final decision of the complaint".*

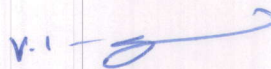
The counsel for the respondent has stated at bar that the possession of the unit has already been handed over to the complainant. As regards to the grant of delayed possession charges, the counsel for the respondent has stated that they have already filed an application for dismissal of the complaint regarding maintainability of the complaint but no reply has been received by the complainant.

The father of the complainant has filed reply to the aforesaid application today in the registry and a copy of the same is also supplied to the counsel for the respondent.

In view of the directions passed by the Appellate Tribunal, the aggrieved party is directed to file fresh complaint so that matter can be decided denovo as per the directions of the Appellate Tribunal.

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

  
Samir Kumar  
Member

  
Vijay Kumar Goyal  
Member  
28.07.2021