



COMPETITION COMMISSION OF INDIA

Case No. 20 of 2024

In Re:

Anurag Gupta

R/o GF-5, Neelpadam-II, Sector-4,
Vaishali, Ghaziabad-201010, U.P.

Informant No. 1

Rashmi Gupta

R/o GF-5, Neelpadam-II, Sector-4,
Vaishali, Ghaziabad-201010, U.P.

Informant No. 2

And

Greenbay Infrastructure Pvt. Ltd.

Through its Director(s)
J 10/5, DLF City Phase-II,
M.G. Road, Gurugram-122 002,
Haryana

Opposite Party

CORAM

Ms. Ravneet Kaur
Chairperson

Mr. Anil Agrawal
Member

Ms. Sweta Kakkad
Member

Mr. Deepak Anurag
Member



Order under Section 26(2) of the Competition Act, 2002

1. The present Information has been filed by Mr. Anurag Gupta and Mrs. Rashmi Gupta ('**Informants**') under Section 19(1)(a) of the Competition Act, 2002 ('**Act**'), alleging contravention of provisions of Section 3 and 4 of the Act by Greenbay Infrastructure Pvt. Ltd. ('**OP**').
2. The Informants are residents of GF-5, Neelpadam-II, Sector-4, Vaishali, Ghaziabad-201010, U.P. The OP is stated to be engaged in the business of real estate.

Facts and allegations as stated in brief in the Information

3. The Informants have stated that they were initially allotted plots bearing nos. C-1/1 and C-1/3, measuring 240 sq. yards *vide* Allotment Letter dated 09.06.2012, in a project named 'Curiosity' developed by Orris Infrastructure Pvt. Ltd., the leading partner of the OP. A payment plan accompanied the allotment letter. ₹7,00,000/- was paid as part of the sale consideration in respect of each of the above-mentioned plots.
4. Thereafter, the Informants learnt that the OP had sold the project land where the Informants' plots were situated. When the OP was requested to return the deposited amount, it forced the Informants to accept an allotment of another plot bearing no. A-16. The Informants were allotted Plot No. A-16 in the same project *vide* Allotment Letter dated 11.04.2013 which was accompanied by a payment plan.
5. The Informant further stated that despite paying ₹22,51,995/- to the OP from 11th April, 2013 to May, 2013 the OP failed to handover the possession of the plot.
6. Subsequently, the Informants were apprised, *vide* an e-mail dated 15.05.2017, that the project 'Curiosity' was abandoned and the plot of the Informants was relocated to another project named 'Greenbay Golf Village'. A plot bearing no. D-226 measuring 250 sq. yards was allotted, *vide* letter dated 12.06.2017. The amount of ₹22,51,995/-, already paid, was adjusted towards the booking amount of this plot.



As per the payment plan, the total agreed sale consideration of the plot was ₹39,50,000/-. It was agreed that the Informants were to pay a sum of ₹16,78,000/- to the OP on possession. The expected date of possession with a grace period of 90 days was 12.03.2019 (about 18 months plus 90 days grace period).

7. It is also stated by the Informants that the project was inspected by Real Estate Regulatory Authority ('**RERA**') officials on 26.03.2022 and the Site Inspection Report states that the project was not ready and the promised facilities were not at place and had not been developed. According to the Informant, this is an unfair trade practice of the OP.
8. It is alleged that the OP has again cheated the Informants as the allotted plot is under farmer's dispute. Moreover, the OP has been raising exorbitant demands since 2022 towards farmer's compensation till 2024, without disclosing the actual payable amount. Further, no 'Confirmation'/ Buyer – Builder Agreement has been issued till date to the Informants. It has also been stated in the Information that the RERA registration of the project expired in December, 2018 and the OP has neither renewed the same nor completed the project as per timeline given to RERA.
9. The Informants, as stated in the Information, have approached this Commission as the possession of the plot has not been delivered to them within the stipulated time period; no Occupancy Certificate ('**OC**') and Completion Certificate ('**CC**') have been given; the plot in question is a disputed land and numerous demands with respect to farmer's compensation has been raised by the OP; and RERA registration of the project has not been renewed since December, 2018.
10. The Informants have prayed for the following reliefs:
 - a. take action against the OP as per provisions of law for adopting unfair trade practice against the complainants.
 - b. direct the OP not to raise any demand or charge anything beyond the payment plan.
 - c. direct the OP, in the interest of justice, to hand over possession of plot bearing no. D-226, measuring 250 Sq. yds. in the project namely 'Greenbay Golf



Village' situated at Sector-22D, Yamuna Expressway, Uttar Pradesh, being developed by the OP to the complainants by obtaining OC/CC and executing sub-lease deed.

- d. set aside the demand raised by the OP towards farmers' compensation, the same not being part of the payment plan.
- e. award the cost of litigation to the Informants.

11. Besides the reliefs mentioned in para 10 above, the Informants have also sought interim relief under Section 33 of the Act. The interim reliefs sought are:

- a. direct the OP not to raise any demand till they obtain OC or CC from the competent Commission.
- b. direct the OP to adhere the payment plan provided to the complainant and not to raise any demand beyond the payment plan.
- c. not to alienate or create any third-party interest on the plot booked by the complainants.

12. On 23.10.2024, the Commission considered the matter and decided to pass an appropriate order in due course.

13. The Commission has perused the Information filed and noted that the grievance of the Informants is that the OP, inspite of receiving a considerable amount towards the total consideration, has allotted a disputed land and failed to deliver possession of the same to the Informants within the stipulated time period. The Informants have, thus, *inter alia*, alleged contravention of Sections 3 and 4 of the Act by the OP. Considering the overall facts and the allegations made in the matter, the Commission is of the view that the issues agitated before the Commission do not raise any competition concern in terms of the provisions of the Act and the Informants are at liberty to raise such issues before an appropriate forum.

14. In light of the above, the Commission directs that the matter be closed forthwith under Section 26(2) of the Act. Consequently, no case for grant for relief(s) as sought under Section 33 of the Act arises and the same is also rejected.



15. The Secretary is directed to communicate the decision of the Commission to the Informants, accordingly.

**Sd/-
(Ravneet Kaur)
Chairperson**

**Sd/-
(Anil Agrawal)
Member**

**Sd/-
(Sweta Kakkad)
Member**

**Sd/-
(Deepak Anurag)
Member**

**New Delhi
Date: 19.11.2024**