



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

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Day and Date	Wednesday and 25.09.2024
Complaint No.	CR/1085/2024 Case titled as Nitasha Mehra VS NEO Developers Private Limited
Complainant	Nitasha Mehra
Represented through	Shri Garvit Gupta Advocate
Respondent	NEO Developers Private Limited
Respondent Represented	Shri Gunjan Kumar Advocate
Last date of hearing	17.07.2024
Proceeding Recorded by	Naresh Kumari and HR Mehta

Proceedings

The present complaint was filed on 22.03.2024 and reply on behalf of the respondent was received on 05.06.2024.

Succinct facts of the case as per complaint and reply are as under:-

S. N.	Particulars	Details
1.	Name of the project	Neo Square, Sector-109, Gurugram
2.	Project area	2.71 acres
3.	Nature of the project	Commercial colony
4	Unit no.	Shop no.-126, First floor (As on page no. 37 of complaint)
5	Unit area admeasuring	1911 sq.ft. (As on page no. 37 of complaint)
6.	Date of execution of buyer's agreement	05.01.2017 (As on page no. 35 of complaint)
7.	MoU	05.01.2017 (page 60 of complaint)
8.	Possession clause	5.2 That the company shall complete the



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CR/1089/2024

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

		construction of the said building/complex within which the said space is located within 48 months from the date of execution of this agreement or from the start of construction whichever is later and apply for grant of completion/occupancy certificate. The company on grant of occupancy/completion certificate shall issue final letters to the allottee who shall within 30 days, thereof remit all dues. 5.4 That the allottee hereby also grants an additional period of 6 months after the completion date as grace period to the company after the expiry of the aforesaid period. (Emphasis supplied) (As on page no. 41 of complaint)
9.	Date of start of construction	The Authority has decided the date of start of construction as 15.12.2015 which was agreed to be taken as date of start of construction for the same project in other matters. In CR/1329/2019 it was admitted by the respondent in his reply that the construction was started in the month of December 2015.
10.	Due date of possession	15.06.2020 (Calculated from date of start of construction)
11.	Sale consideration	Rs. 1,08,21,993/- (As on page no. 53 of complaint)
12.	Amount paid by the complainant	Rs. 1,10,74,016/- (As on page no. 124 of reply)
13.	Occupation certificate /Completion certificate	14.08.2024 (as stated by the counsel for the



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		respondent during proceedings)
14.	Offer of possession	Not offered
15.	AR paid	Rs.50,77,710/- (page 125 of reply)

The complainant is seeking Assured return, Refund of PLC and possession of the unit in terms of the MoU dated 05.01.2017. The OC for the project has been received only on 14.08.2024 and the complainant is also seeking DPC in terms of section 18 (1) of the Act, 2016. The counsel for the complainant states that the complainant is also seeking quashing of the demand of VAT charges as the complainant has already paid GST. (counsel for the respondent rebuts and states that no relief regarding VAT has been sought).

The counsel for the respondent states that the complaint is liable to be dismissed for lack of jurisdiction of this Authority being the matter of assured return in terms of orders passed by Hon'ble UP Appellate Tribunal and orders passed by another Bench of this authority in CR No.729/2023 titled as Divya Grover Versus Vatika. The complaint has been filed for enforcement of MoU w.r.t assured return.

Order reserved.

Matter to come up on **06.11.2024** for pronouncement of orders.

Ashok Sangwan
Member
25.09.2024