



**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

<b>PROCEEDINGS OF THE DAY</b>		<b>23</b>
Day and Date	Thursday and 09.02.2023	
Complaint No.	CR/1114/2021 Case titled as AVANINDRA BATRA Vs PAREENA INFRASTRUCTURES PRIVATE LIMITED	
Complainant	AVANINDRA BATRA	
Represented through	Shri Sanjeev Sharma Advocate	
Respondent	PAREENA INFRASTRUCTURES PRIVATE LIMITED	
Respondent Represented	Shri Prashant Sheoran Advocate	
Last date of hearing	09.11.2022	
Proceeding Recorded by	Naresh Kumari and HR Mehta	
<b>Proceedings</b>		
The present complaint has been received on 04.03.2021 and the reply on behalf of respondent was received on 02.08.2021.		
Succinct facts of the case as per complaint and annexures are as under:		
S.N.	Particulars	Details
1.	Name and location of the project	"Coban Residences", sector-99 <sup>a</sup> , Gurgaon
2.	Nature of the project	Group Housing Project
3.	Project area	10.5875 acres
4.	DTCP license no.	10 of 2013 dated 12.03.2013 valid up to 11.06.2024
5.	Name of licensee	Monex Infrastructure Pvt. Ltd.
6.	RERA Registered/ not registered	<b>Registered</b> Vide no. 35 of 2020 issued on 16.10.2020 valid up to 11.03.2022 + 6 months = 11.09.2022
7.	Unit no.	1502, 15 <sup>th</sup> Floor, Tower T-1 [Page 15 of complaint]
8.	Unit admeasuring area	1997 sq. ft. of super area



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

		[Page 15 of complaint]
9.	Allotment letter	27.11.2013 [Page 30 of the reply]
10.	Date of builder buyer agreement	08.07.2014 [Page 13 of complaint]
11.	Possession clause	<i>3.1 That the developer shall, under normal conditions, subject to force majeure, complete construction of Tower/Building in which the said flat is to be located with 4 years of the start of construction or execution of this Agreement whichever is later, as per the said plans.....</i> <b>Emphasis supplied....</b>
12.	Date of start of construction	16.10.2014 [as per demand letter dated 05.01.2021 page 68 of the reply]
13.	Due date of possession	16.10.2018 [Calculated from start of construction i.e., 16.10.2014]
14.	Total sale consideration	Rs. 1,27,02,257/- (excluding service taxes) [page 22 of the reply]
15.	Total amount paid by the complainant	Rs. 31,13,554/- [as per demand letter dated 05.01.2021 page 69 of the reply]
16.	Occupation certificate	N/A
17.	Demand/Reminder Letters	19.08.2016, 11.07.2017, 13.07.2018, 05.01.2021
18.	Cancellation Letter	<b>23.02.2021</b> [page 74 of the reply]

The counsel for the respondent states that a cancellation letter was issued on 23.02.2021 cancelling the unit and deducting the amount of earnest money besides GST, interest accrued and other administrative expenses.

The counsel for the complainant states that the above mail was never received and rather a subsequent email dated 10.03.2021 was received vide which the demand on completion of flooring work meaning thereby that the above cancellation was never made by condoning the delay and unit continued to be in the name of the complainant-allottee.



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The counsel for the respondent requests to check the issuance of the mail and submission of the proof of conveying the cancellation notice alongwith written submissions.


The counsel of the complainant may also submit written submissions within 2 weeks after supplying a copy to the respondent.

Arguments heard.

Order reserved.

Matter stands disposed off. Detailed order will follow. File be consigned to the registry.

  
Sanjeev Kumar Arora  
Member

  
Vijay Kumar Goyal  
Member  
09.02.2023