

PROCEEDINGS OF THE DAY		36
Day and Date	Thursday and 15.05.2025	
Complaint No.	CR/1149/2024 Case titled as Dina Nath Goswami VS Advance India Projects Limited	
Complainant	Dina Nath Goswami	
Represented through	Shri Gaurav Rawat Advocate	
Respondent	Advance India Projects Limited	
Respondent Represented through	Shri Dhruv Rohatgi Advocate	
Last date of hearing	13.02.2025	
Proceeding Recorded by	Naresh Kumari and HR Mehta	
Proceedings The present complaint has been received on 29.04.2024 and the reply on behalf of respondent was received on 25.06.2024. Succinct facts of the case as per complaint and reply are as under:		
S. No.	Particulars	Details
1.	Name and location of the project	“AIPL JOY GALLERY”, Sector 66, Gurugram
2.	Nature of the project	Commercial Complex
3.	DTCP license No.	19 of 2008 dated 05.12.2018
4.	RERA registration	20 of 2020 dated 17.08.2020
5.	Application Form	05.06.2020 (As per allotment letter at page 29 of complaint)
6.	Allotment Letter	11.08.2020



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हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

CR/1149/2024

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

		(As per page 28 of complaint)
7.	Unit no.	1067, First Floor (As per page 28 of complaint)
8.	Builder-Buyer Agreement	05.01.2022 (As per page 52 of complaint)
9.	Due date of possession	13.05.2025 (As per BBA at page no 64 of complaint)
10.	Sale Consideration	Rs. 76,84,261/- (As per page 29 of complaint)
11.	Amount paid by the complainant	Rs. 40,00,000/- (As per SOA at page 54 of complaint)
12.	Demand/Reminder Letters dated	11.03.2023, 21.03.2023, 05.04.2023
13.	Cancellation Letter	12.05.2023 (As per page 60 of reply)
14.	Occupation Certificate	Not Obtained
15.	Offer of Possession	Not Offered

The counsel for the complainant stated that the buyer's agreement was executed on 15.01.2022 and Rs. 40,00,000/- has been paid towards the sale consideration of Rs. 76,84,261/-. The respondent /promoter has neither obtain the occupation certificate nor offered the possession of unit till date and hence, is seeking the relief of delayed possession charges.

The counsel for the respondent has confirmed that an amount of Rs. 40,00,000/- has been received in respect of the subject unit, post transfer from different bookings, as detailed at page 54 of the complaint. It is further submitted that the details of the amount paid towards Assured Return (AR) to the complainant are set out at page 52 of the respondent's reply, and as per the same, a sum of Rs.9,78,175/- has been paid under AR. The respondent further



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stated that the unit was cancelled on 12.05.2023 due to non-payment by the complainant, and accordingly, the respondent claims entitlement to forfeit the earnest money and to adjust the amount paid towards AR, in addition to applicable GST. It is also pressed that the balance amount of Rs. 21,92,835/- has been refunded to the complainant on 19.12.2023, which is acknowledged by the counsel for the complainant.

Arguments heard.

Accordingly, the respondent is directed to refund the remaining balance amount to the complainant after deducting the earnest money which shall not ~~to~~ exceed 10% of the basic sale consideration alongwith adjusting the amount already paid towards Assured Return.

Matter stands disposed of. Detailed order will follow.

V.1
Vijay Kumar Goyal
Member
15.05.2025