

PROCEEDINGS OF THE DAY		23
Day and Date	Thursday and 30.01.2025	
Complaint No.	CR/1164/2024 Case titled as Bishambar Dayal VS Manish Buildwell Private Limited	
Complainant	Bishambar Dayal	
Represented through	Ms. Ankur Berry Advocate	
Respondent	Manish Buildwell Private Limited	
Respondent Represented	S/Shri Sushil Kaushik, Karan S. Negi and Ms. Himanshi Singh Advocates	
Last date of hearing	26.09.2024	
Proceeding Recorded by	Naresh Kumari and HR Mehta	
Proceedings		
The present complaint has been received on 28.03.2024 and registered as complaint no. 1164 of 2024 and reply was received on 26.09.2024.		
Succinct facts of the case as per complaint and annexures are as under:		
S. No.	Particulars	Details
1.	Name and location of the project	“Gallaxie 91”, Sector-91, Village Mewka, Gurugram
2.	Nature of the project	Commercial colony
3.	Project area	3.725 acres
4.	DTCP license no.	28 of 2009 dated 24.06.2009 valid up to 23.06.2017
5.	Name of licensee	Manish Buildwell Private Limited
6.	RERA Registered/ not registered	382 of 2017 dated 12.12.2017 valid up to 11.12.2022



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हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

CA/1164/2024

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

	(Lapsed Project)	
7.	Unit no.	F-211 (As per page no. 23 of the complaint)
8.	Unit area admeasuring	324 sq. ft. (Super area) & 162 sq. ft. (carpet area) (As per page no. 23 of the complaint)
9.	Application for provisional allotment	20.08.2023 (As per page no. 16 of the complaint)
10.	Date of buyer's agreement	Not executed
11.	Possession clause	N.A
12.	Due date of possession	Not specified
13.	Total sale consideration	Rs.51,38,640/- (As per page no. 23 of the complaint)
14.	Amount paid by the complainant	Rs.5,00,000/- (As per bank details of the complainant dated 22.10.2022 on page no. 44 of the complaint)
15.	Occupation Certificate	Not obtained
16.	Offer of possession	Not offered
17.	Surrender request by e-mail	12.03.2024 (As per page no. 45 of the complaint)

The counsel for the complainant states that an application for allotment has been made on 20.08.2023 and a unit F-211 was allotted to the complainant. The complainant paid an amount of Rs.5,00,000/- as booking amount. After taking the booking amount no communication was made by the respondent w.r.t. payment and execution of buyer's agreement. The registration of the project is also expired on 23.06.2017.

The counsel for the respondent stated that the project was launched in 2017. The payment plan opted by the complainant is flexi payment plan. According



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to the opted payment plan by the complainant, 40% of the sale consideration is to be paid within 30 days from the date of booking but the same was never done by the complainant. On 12.03.2024, the complainant wrote an email (page 45 of the complaint) seeking refund of the paid-up amount to which the CRM replied to refund the same with deductions as per the Act of 2016.

The counsel for the complainant states that no construction at the project site is taking place, it is the shell which is stand still from past one and a half years.

The counsel for the respondent states that the respondent has applied for extension of project but the same was not granted. He further states that receipt of acknowledgement of amount paid is in the application form only and details of unit was placed on page no. 25 of the reply.

Arguments heard.

Order reserved.

Previous cost not paid by the respondent. The counsel for the respondent assures to pay the previous cost on or before the next date of hearing.

Parties may file brief written submissions within a period of 2 weeks with an advance copy to each other.

Matter to come up on **20.02.2025** for pronouncement of order.

V.1 - 3
Vijay Kumar Goyal
Member
30.01.2025