



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		22
Day and Date	Thursday and 02.01.2025	
Complaint No.	CR/1185/2024 Case titled as Akanksha Sarawat VS Manglam Multiplex Private Limited & M3M India Pvt Ltd. & Roop Bansal & Basant Bansal & M3M India Holdings Pvt Ltd.	
Complainant	Akanksha Sarawat	
Represented through	Shri Bhupender Pratap Singh Advocate	
Respondent	Manglam Multiplex Private Limited & M3M India Pvt Ltd. & Roop Bansal & Basant Bansal & M3M India Holdings Pvt Ltd.	
Respondent Represented through	Ms. Shriya Takkar and Ms. Smriti Srivastava Advocates	
Last date of hearing	07.11.2024	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings

The present complaint has been received on 01.04.2024 and registered as complaint no. 1185 of 2024 and reply on behalf of respondent was received on 15.07.2024.

The counsel for the complainant states that the complainant booked a unit in the captioned project and allotment was done on 20.9.2021 and an amount of Rs.94,51,274/- against total sale consideration of Rs.1,70,02,500/- has been paid to the respondent. However, no BBA has been executed by the respondent and the respondent has received more than 10% of the sale consideration



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without entering into BBA, which is clear violation of Section 13(1) of the Act 2016 and the respondent shall be penalized in terms of section 61 of the Act 2016.

The counsel for the respondent states that the copy of buyer's agreement were sent twice to the complainant and it is the complainant who has not sent back the signed of BBA. Further states that the unit has already been sold to third party after cancellation of the unit on 01.08.2023 and the conveyance deed in the favour of third party has also been executed and further stated that the amount paid by the complainant has also been refunded on 21.03.2024 after deduction permissible as per RERA norms. The counsel for the respondent has placed on record a copy of conveyance deed on 01.08.2024 in compliance of the order of the Authority dated 12.07.2024.

The counsel for the complainant, further states that unit was cancelled on 01.08.2023 on account of non-payment of outstanding dues and a demand draft of Rs.77,50,948/- was sent to the complainant which was never encashed by the complainant as the said draft was issued without the consent of the complainant.

Further states that the notice for the present complaint was served to the respondent through e-mail on 22.03.2024 and through speed post on 28.03.2024 and the complaint was filed before the authority on 01.04.2024. However, after filing of the present complaint, the respondent had sold the allotted unit on 01.04.2024 and the conveyance deed was already executed on 10.10.2024 and against which the complainant has filed an application for amendment in relief and requested for allotment of alternate unit with same price in the same project failing which the respondent be directed to refund entire amount deposited by the complainant with interest reason, as the respondent has not suffered any loss but has gained the profit by selling of the allotted unit of the complainant and the deduction of earnest money can only be made where the respondent has suffered loss.

The counsel for the respondent further states that an application has been filed w.r.t deletion of the name of respondent no.3 to 5 and thereafter on 28.10.2024



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certain objections on the application for amendment in the relief, which may also be heard before Full Bench.

In view of the above, the matter is transferred before the **Full Bench** on **25.3.2025** for further proceedings.

V.I-3
Vijay Kumar Goyal
Member
02.01.2025