



PROCEEDINGS OF THE DAY

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Day and Date	Tuesday and 20.05.2025
Complaint No.	CR/1202/2023 Case titled as Preeti Ranjan Saha VS Ocean Seven Buildtech Private Limited
Complainant	Preeti Ranjan Saha
Represented through	Shri Yogesh Kilhore Advocate
Respondent	Ocean Seven Buildtech Private Limited
Respondent Represented through	Shri Arun Yadav Advocate
Last date of hearing	18.02.2025
Proceeding Recorded by	Naresh Kumari and HR Mehta

Proceedings

The present complaint was filed on 23.08.2023. Despite multiple opportunities to the respondent, the respondent has failed to file reply till date. In view of the above, the defence of the respondent was struck off by the authority vide order dated 22.11.2023. Vide order dated 09.01.2024 the authority gave final opportunity to the respondent to file reply in registry within a period of 10 days and was also directed to pay cost of Rs.5,000/-to the complainant before next date of hearing. Now the respondent has filed reply on 31.01.2024. Written submissions has also filed on 11.02.2025.

The succinct facts of the case are as under:

Sr. No.	Particulars	Details
1.	Name of the project	Golf Heights, Sector 69, Gurugram, Haryana.
2.	Project area	5.4125 Acres
3.	Nature of the project	Affordable housing project
4.	DTCP license no.	28 of 2018 dated 02.05.2018
	License valid till	01.05.2023



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हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

CA/202/2023

New PWD Rest House, Civil Lines, Gurugram, Haryana

नवा पी. डब्ल्यू. डी. विधाम गृह, सिविल लाईन, गुरुग्राम, हरियाणा

	Licensed area	5.4125 Acres
5.	HRERA registered/ not registered	Registered vide no. 17 of 2018 dated 12.10.2018
	HRERA registration valid up to	20.10.2023 (Including 6 months COVID extension)
6.	Building plan approval dated	20.07.2018 (As per DTCP website)
7.	Environment clearance dated	10.10.2019
8.	Date of booking	18.10.2018 [As alleged by the complainant on page 11 of complaint]
9.	Allotment letter issued in favour of complainant on	13.03.2019 (As alleged by the complainant on page 11 of complaint)
10.	Unit no.	305, 3 rd floor, Tower 4 (Page 22 of complaint)
11.	Unit admeasuring	565 sq. ft. of carpet area along with 99 sq. ft. of balcony area [Page 22 of the complaint]
12.	Builder buyer agreement	24.06.2019 [page 17 of complaint]
13.	Possession clause as per clause 5.2 of the agreement	The Company shall sincerely endeavour to complete the construction and offer the possession of the said unit within five years from the date of the receiving of license ("Commitment Period") , but subject to force majeure clause of this Agreement and timely payment of installments by the Allottee(s). However, in case the Company completes the construction prior to the period of 5 years the Allottee shall not raise any objection in taking the possession after payment of remaining sale price and other charges stipulated in the Agreement to Sell. The Company, on obtaining certificate



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CR/2023/2023

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		for occupation and use by the Competent Authorities shall hand over the said unit to the Allottee for his/her/their occupation and use, subject to the Allottee having complied with all the terms and conditions of the said Policy and Agreement to Sell and payments made as per Payment Plan. It is further agreed by the Allottee that the Developer shall not be liable for delay in completion of construction, in case of force majeure condition and/or the delay is caused due to non-completion of construction of said Complex/building/unit. In the event if a number Allottee(s) are not paying due installments on time or a number of Allottee(s) has withdrawn their application after allotment of unit or a number of units has been cancelled due to nonpayment of due installments or otherwise... [Page 29 of complaint]
14.	Possession clause as per policy	1(IV) of the Affordable Housing Policy, 2013 <i>All such projects shall be required to be necessarily completed within 4 years from the approval of building plans or grant of environmental clearance, whichever is later. This date shall be referred to as the "date of commencement of project" for the purpose of this policy. The licenses shall not be renewed beyond the said 4 years period from the date of commencement of project.</i>
15.	Due date of possession	10.04.2024 (calculated from the date of environment clearance dated 10.10.2019 being later + 6 months as per HARERA notification no. 9/3-2020 dated 26.05.2020 for the projects having completion date on or after 25.03.2020)
16.	Total consideration	Rs.23,09,500/- [Page 23 of complaint]



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17.	Amount paid by the complainant	Rs.9,35,349/- (Page 54A of complaint)
18.	Occupation certificate	Not obtained
19.	Offer of possession	Not offered
20.	Surrender/Request to cancel allotment and refund of the amount paid by the complainant vide letter dated	01.07.2022 [Page 55 of complaint]

The counsel for the complainant stated that the complainant wish to withdraw from the project and seeks to refund the amount received by it along with prescribed rate of interest.

The counsel for the respondent stated that the refund may be allowed in terms of the affordable group housing policy, 2013.

Argument heard.

The respondent/promoter is directed to refund the amount as per clause 5(iii)(h) of the Affordable Housing Policy, along with interest at the rate of 11.10% p.a. as prescribed under rule 15 of the Haryana Real Estate (Regulation and Development) Rules, 2017 from the date of surrender dated 01.07.2022 till the actual date of refund of the deposited amount.

Detailed order will follow. Matter stands disposed off.

Ashok Sangwan
Member

Arun Kumar
Chairman
20.05.2025

V. I. Goyal
Vijay Kumar Goyal
Member