



**PROCEEDINGS OF THE DAY**

**29**

Day and Date	Thursday and 27.04.2023
Complaint No.	CR/1218/2022 Case titled as Rohit Ranjan Vs Lotus Realtech Private Limited
Complainant	Rohit Ranjan
Represented through	Shri Madan Bhatiwala Advocate (POA filed today)
Respondent	Lotus Realtech Private Limited
Respondent Represented	Shri Jagbir Singh Advocate
Last date of hearing	09.03.2023
Proceeding Recorded by	Naresh Kumari and HR Mehta

**Proceedings**

The present complaint has been received on 25.03.2021 and reply on behalf of the respondent was received on 27.03.2023.

Succinct facts of the case as per complaint and annexures are as under:

S.No	Particulars	Details
1.	Name of the project	"Lotus Homz", Sector- 111, Gurugram
2.	Nature of project	Affordable Group Housing Colony
3.	<b>RERA registered/not registered</b>	214/2017 dated 18.09.2017 Valid upto 30.06.2020
4.	<b>DTPC License no.</b>	47 of 2014 dated 18.06.2014
	Validity status	31.05.2021
	Name of licensee	Ashok Kumar & 1 Ors.
	Licensed area	05.09 acres
5.	Unit no.	903, Tower J, 9 <sup>th</sup> floor [as per buyer's agreement on page 21 of complaint]
6.	Unit measuring	605.55 sq. ft. (carpet area) [as per buyer's agreement on page 25 of



HARERA  
GURUGRAM

HARYANA REAL ESTATE REGULATORY AUTHORITY  
GURUGRAM

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

CR/12/8/2022

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

		complaint]
7.	Date of execution of Apartment agreement buyer's	25.12.2015
8.	Possession clause	<b>3.1 The developer proposes to offer possession of the said apartment to the allottee within a period of 4 (four) years from the date of approval of building plans or grant of environment clearance, (hereinafter referred to as the "Commencement Date"), whichever is later.</b>
9.	Approval of Building Plan	22.10.2014 (as per buyer's agreement on page 23 of complaint)
10.	Environment clearance	N/A
11.	Due date of possession	22.10.2018 (the due date is calculated from the date of approval of building plans)
12.	Total Sale Consideration	Rs.24,67,375/- [as per buyer's agreement on page 26 of complaint]
13.	Total amount paid by the complainant	Rs.9,85,532/- (as alleged by complainant on page 8 of complaint and duly admitted by respondent on page no. 11 of reply) Rs.5,72,163/- is the amount which has been given by ICICI Bank and remaining amount by the complainant.
14.	Occupation certificate	01.06.2021
15.	Offer of possession	N/A
16.	Demand Letter	02.07.2019 (page 57 of complaint)
17.	Cancellation Letter	27.11.2020 after issuance of reminder on 02.07.2019 (R6) as well as publication in the newspaper dated 10.08.2019 (page 5)

The counsel for the complainant states that the complainant had paid a sum of Rs.9,85,532/- against the total sale consideration of Rs.24,67,375/-. Despite paying



**HARERA**  
**GURUGRAM**

**HARYANA REAL ESTATE REGULATORY AUTHORITY**  
**GURUGRAM**

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

CA/218/2022

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

more than 40% of the total sale consideration respondent has illegally cancelled the unit without even giving him prior notice. It comes to the knowledge of the complainant only when he visit the office of the respondent and enquired about the balance payment then its representative informed him that the said unit has already been cancelled. So, vide email dated 27.09.2021 he requested the respondent to refund the paid-up amount.

The counsel for respondent submitted that the respondent vide demand letter dated 02.07.2019 requested the complainant regarding payment of the due installment but due to his non-payment made publication in the daily newspaper named "Hari Bhoomi" on 10.08.2019 and cancelled the said unit vide cancellation letter dated 27.11.2020 following the terms and provisions of the Affordable Housing Policy, 2013.

Arguments heard.

Refund is allowed after deduction under Affordable Housing Policy as amended by the State Govt. on 5.7.2019, alongwith interest @ 10.70% per annum on refundable amount from the date of surrender/withdraw of allotment i.e. 10.1.2022 till the actual realization of the amount.

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

v.l - 3  
Vijay Kumar Goyal  
Member  
27.04.2023