

PROCEEDINGS OF THE DAY		47
Day and Date	Tuesday and 22.04.2025	
Complaint No.	CR/1307/2022 Case titled as DS Ahlawat VS Splendor Buildwell Private Limited	
Complainant	DS Ahlawat	
Represented through	Shri Harshit Batra Advocate	
Respondent	Splendor Buildwell Private Limited	
Respondent Represented through	Ms. Shriya Takkar and Smriti Srivastava Advocates with Shri Manish Parkash AR	
Last date of hearing	04.02.2025	
Proceeding Recorded by	Naresh Kumari and HR Mehta	
Proceedings The present complaint was filed on 20.04.2022 and the reply on behalf of respondent was received on 03.10.2022. Succinct facts of the case as per complaint and annexures are as under:		
S. N.	Particulars	Details
1.	Name of the project	"Spectrum One", Sector 58, Gurugram, Haryana
2.	Project area	6.775 acres
3.	Nature of the project	IT/Cyber Park
4.	DTCP license no. and validity status	82 of 2010 dated 12.10.2010 Valid up to 29.05.2020
5.	Name of licensee	Ishoyu Builders and Developers Pvt. Ltd.



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New PWD Rest House, Civil Lines, Gurugram, Haryana

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

6.	RERA Registered/ not registered	Registered vide no. 376 of 2017 dated 07.12.2017 Valid up to 31.12.2018
7.	Unit no.	N.A.
8.	Unit area admeasuring	500 sq. ft. (super area) (Page no. 18 of complaint)
9.	Date of execution buyers' agreement	Not executed
10.	Possession clause	N.A.
11.	Due date of possession	N.A.
12.	MoU	08.07.2013 (Page no. 16 of complaint)
13.	Assured return as per clause 5 of MoU	5. That the developer will pay Rs. 60/- per sq. ft. per month on 500 sq. ft. as an assured return to the Intending Allottee from 08.07.2013 till completion of the Said Project. Thereafter the Developer shall pay Rs. 50/- per sq. ft. per month on 500 sq.ft. as assured rental till the Said Unit is leased out to the perspective Lessee(s). [Page 18 of complaint]
14.	Total basic sale consideration	Rs.17,50,000/- (As per clause 2 of MoU, page 18 of complaint)



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15.	Amount paid by the complainant	Rs.18,14,890/- (As per clause 3 of MoU, page 18 of complaint)	
16.	Assured return paid by respondent	Rs.15,59,903/- w.e.f. 08.07.2013 till April 2018 [alleged by respondent, page 10 of reply] {Note: To be clarified during proceeding}	
17.	Occupation certificate /Completion certificate	06.09.2019 (As per on page 154 of reply)	
18.	Offer of possession	10.11.2020 (As on page 170 of reply)	
19.	Unit no. as per offer of possession dated 10.11.2020	311, 3 rd floor, tower B Admeasuring 500 sq. ft. super area [page 170 of reply]	
20.	Reminder letter by the respondent to the complainant intimating clearance of dues	03.07.2021, 11.04.2022 [Page 174, 177 of reply]	

The counsel for complainant is requesting for unpaid assured return till the first lease which is not yet effected and requests for handing over of physical possession for which an offer has been made by the respondent- company on 10.11.2022 although there was no clause for physical possession in MoU or BBA but the respondent in para - 3 of the above letter made offer of physical possession in view of the inability to lease out the unit.

The counsel for the respondent states that the complainant may either get AR or Physical possession which was offered during Covid time.

Arguments heard.



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Order reserved.

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

Matter to come up on 22.07.2025 for pronouncement of order.

Ashok Sangwan
Member


Arun Kumar
Chairman
22.04.2025


Vijay Kumar Goyal
Member