



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. हाई. विधान भवन, सिविल लाइन्स, गुरुग्राम, हरियाणा

47

PROCEEDINGS OF THE DAY

Day and Date	Tuesday and 26.09.2023
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, Advocate
Last date of hearing	01.08.2023
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



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CR/307/2022

New PWD Rest House, Civil Lines, Gurugram, Haryana

नया पी. डब्ल्यू.डी. विभाग गृह, सिविल लाइन्स, गुरुग्राम, हरियाणा

		Developers Pvt Ltd
6.	RERA Registered/ not registered	Registered vide no. 376 of 2017 dated 07.12.2017 valid upto
7.	Unit no.	520, Tower-D (27 of complaint)
8.	Unit area admeasuring	1000 sq. ft. (Page no. 27 of complaint)
9.	Date of execution buyers' agreement	Not executed
10.	Possession clause	NA
11.	MoU	08.07.2013 (Page no. 16 of complaint)
12.	Assured return as pe MoU	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 project . Thereafter the developer shall pay Rs. 50/- per sq. ft. per month on 500 sq.ft. as assured return till the said unit is leased out to the perspective lessee.
13.	Due date of possession	NA
14.	Total basic sale	Rs.17,50,000/-

An Authority constituted under section 20 the Real Estate (Regulation and Development) Act, 2016

भू-संपदा (नियामक और विकास) अधिनियम, 2016 की धारा 20 के अंतर्गत गठित प्राधिकरण



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CR/367/2022

New PWD Rest House, Civil Lines, Gurugram, Haryana

नया पी.डब्ल्यू.डी. विभाग गृह, सिविल लाइन्स, गुरुग्राम, हरियाणा

	consideration	(As on page 18 of complaint)
15.	Amount paid by the complainant	Rs.18,14,890/- (As alleged by the complainant on page 18 of complaint)
16.	Amount due	Rs.15,86,899/- (As on page 170 of complaint) (As on page 174 of complaint) (As on page 177 of complaint)
17.	Amount received on account of monthly rental return	Rs.15,59,903/- [alleged by respondent] {Note: respondent to be asked}
18.	Occupation certificate /Completion certificate	06.09.2019 (As per on page 154 of complaint))
19.	Offer of possession	10.11.2020 (As on page 170 of complaint)

The complainant has sought following relief(s):

1. Direct the respondent to pay assured return at the rate of Rs. 60 per sq.ft. per month on 500 sq.ft. for the defaulted 52 months, amounting to Rs. 15,60,000/-
2. Direct the respondent to make further payments of the monthly assured returns accruing after April 2022.
3. Direct the respondent to endorse the transfer of the unit from the complainant to Chetna Ahlawat (wife of complainant).



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New PWD Rest House, Civil Lines, Gurugram, Haryana

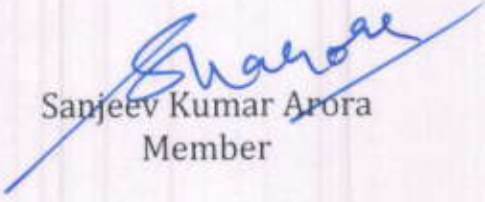
नया पी.कडवतु, सी. विभाग नए, सिविल लाइन्स, गुरुग्राम, हरियाणा

The counsel for the complainant states that respondent had to pay an assured return as per clause 5 of the MoU dated 8.7.2013 w.e.f. 8.7.2013 till the unit is leased out and that assured return was agreed @ Rs.60/- per sq. ft per month till construction of the unit and further @ Rs. 50/- per sq.foot till lease out of the unit but the assured return amount of Rs.15,60,000/- for 52 months is still payable by the respondent.

The counsel for the respondent states that as regards assured return, the matter is pending before Punjab and Haryana High Court vide CWP No.20474 of 2023 which is further listed for 22.11.2023 and further request that since the matter is pending before the Hon'ble High Court of Punjab and Haryana, this matter should also be adjourned to post that.

Part arguments heard.

Matter to come up on 19.12.2023 for further arguments.


Sanjeev Kumar Arora
Member


Ashok Sangwan
Member
26.09.2023