



HARERA
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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		30 & 38
Day and Date	Friday and 04.04.2025	
Complaint No.	CR/5778/2023 Case titled as Mukul Sharma VS VSR Infratech Private Limited & Chetan Swara CR/1438/2024 Case titled as VSR Infratech Private Limited & Chetan Swara VS Mukul Sharma	
Complainant	Mukul Sharma	
Represented through	Shri Ashwani Kumar Sharma Advocate	
Respondent	VSR Infratech Private Limited & Chetan Swara	
Respondent Represented	Ms. Shriya Takkar and Ms. Smriti Srivastava Advocates	
Last date of hearing	07.02.2025	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings

Both the CR No. 5778/2023 and 1438/2024 have been heard together.

On 09.05.2024, an application for dismissal was filed by respondent stating that complainant already filed case before Hon'ble DCDRC, New Delhi vide complaint bearing no. CC/186/2020 and the same was pending and listed for arguments on 15.05.2024. On 16.09.2024, in reply to the said dismissal application, the complainant filed reply cum affidavit that he has decided to withdraw the consumer case and wants to continue with the present complaint.

On the last date of hearing dated 07.02.2025, the Authority directed the complainant to file a copy of the orders/proof of withdrawal of the case before DCDRC, New Delhi, and Gurugram court before the next date of hearing.

On 17.02.2025 the complainant filed an affidavit as well as the copy of the orders stating that the complaint is dismissed as withdrawn.

The counsel for the complainant states that the respondent has not raised construction within the agreed time frame and has not obtained OC from the



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competent authority till now. Thus, the respondent is liable to refund the paid-up amount to the complainant along with the interest from the dates of respective payments as envisaged under the provisions of the Act of 2016 since the respondent has miserably failed to give possession of the apartment in accordance with the terms of the agreement.

The counsel for the respondent states that the occupancy certificate was received on 17.02.2021 from the competent authority and also has offered the possession of the unit to the complainant on 06.12.2021. Further states that the respondent has complied with all of its obligations as per the builder buyer's agreement and vide letter dated 06.07.2017 requests the allottee to clear his dues. The allottee did not come forward to clear his outstanding dues as per the payment plan and filed the complaint bearing no. 1438/2024 against the allottee to take possession of the unit after making the due payments as the respondent has already obtained the OC for the tower in which the unit of the complainant is situated.

Arguments heard.

On consideration of documents available on record and submissions made by both the parties, the authority is of the view that the respondents/promoter is directed to refund the deposited amount after deducting 10% of the basic sale consideration along with prescribed rate of interest i.e. 11.10% p.a. on the balance amount, as prescribed under rule 15 of the Rules, 2017 from the date of filing of complaint i.e. 18.12.2023 till its realization as the respondent has obtained the OC before filing of the complaint.

Detailed order will follow. Matter stands disposed off.

Arun Kumar
Chairman
04.04.2025