



PROCEEDINGS OF THE DAY		38
Day and Date	Friday and 20.12.2024	
Complaint No.	CR/1498/2024 Case titled as Prashant Chibber and Hema Gupta VS Landmark Apartments Private Limited	
Complainant	Prashant Chibber and Hema Gupta	
Represented through	Ms. Aarti Bhalla and Shri Sharvan Kumar Advocates	
Respondent	Landmark Apartments Private Limited	
Respondent Represented	Shri Amarjeet Kumar Advocate	
Last date of hearing	20.09.2024	
Proceeding Recorded by	Naresh Kumari	

Proceedings

The present complaint has been received on 18.04.2024. The respondent has filed application for dismissal in July 2024. No reply has been filed till date.

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

S.N.	Particulars	Details	
1.	Name of the project	"Landmark Corporate Center", at Landmark Cyber Park, Sector 67, Gurugram, Haryana	
2.	DTCP	97 of 2008 dated 12.05.2008	
3.	RERA Registered/ not registered	Registered vide no. 61 of 2019 dated 25.11.2019	
4.	Unit no. and area admeasuring	4 th floor 150 sq. ft. (2 nd floor (As per mou dated 26.10.2012 at page 19 of complaint)	150sq. ft. 2 nd floor No date and no document is mentioned as when the respondent allotted the 2 nd floor



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हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

CR/1498/2024

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

5.	Memorandum of settlement	18.10.2019 Stating all the previous AR has been paid and Rs. 18, 7762/- is due.
6.	Date of execution of MOU	26.10.2012 (Page 18 of complaint)
7.	Assured Return Clause	3. Rs. 16,500/- every month as assured return to the buyer which shall be payable quarterly, till the date of possession or 3 years whichever is earlier.
8.	BBA for 2 nd floor	31.12.2019 (Placed in yellow file)
9	Agreement for lease agreement	31.12.2019 Needs to be ascertain as to why this agreement was executed as the same is not mentioned in the facts. (Page 43 of complaint)
10	Due date of possession	Cannot be ascertained
11.	Total sale consideration	Rs. 15,36,873/- (Placed in yellow file for 2 nd floor)
12.	Amount paid by the complainant	Rs. 16,00,500 /- (Page 9 of the complaint)
13.	Occupation certificate	26.12.2018 (Page 34 of complaint)
14.	Reminder for offer of possession	07.09.2019 and a demand of Rs. 13,98,017/- (Page 36 of complaint)

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

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



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15.	Request for cancellation of unit on 4 th floor and to allot on 2 nd floor as the respondent said to the complainant that the 4 th floor is not being able to put on rent	01.10.2019 (Page 38 of reply)
16.	Request for due refund by the complainant, return on investment	23.09.2021 As per facts at page 6 of complaint. No document is placed w.r.t same.

The respondent stated at page 4 that the complainants have already taken the possession and the complaint is liable to be dismissed.

The respondent also stated that the complainants have already file a case Cr. No. 2019 of 2022 which was later on withdrawn by the complainant. Thus the present complainant is barred by principle of Res-Judicata as the earlier complaint was withdrawn without leave of Hon'ble Court to file afresh, However the complainant stated at page 6 of complaint that in the previous complaint the respondent filed new BBA which was not adhered by the complainants and the respondent was misleading by giving the false information.

Arguments heard.

Order reserved.

Both the parties may submit written submissions within a period of 4 weeks with an advance copy to each other.

Matter to come up on **04.04.2025** for pronouncement of order.

Arun Kumar
Chairman
20.12.2024