



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. डी. विश्राम गृह, सिविल लाईंस, गुरुग्राम, हरियाणा

PROCEEDINGS OF THE DAY		9-10-12
Day and Date	Tuesday and 14.05.2024	
Complaint No.	CR/1571/2019 Case titled as Rashida Ridzhal VS VSR Infratech Private Limited CR/1575/2019 Case titled as Rashida Ridzhal and Krishna Ridzhal Vs VSR Infratech Pvt. Ltd. CR/1576/2019 Case titled as Rashida Ridzhal and Krishna Ridzhal Vs VSR Infratech Pvt. Ltd. CR/1577/2019 Case titled as Rashida Ridzhal and Krishna Ridzhal Vs VSR Infratech Pvt. Ltd.	
Complainant	Rashida Ridzhal	
Represented through	Ms. Nisha Gaur and Shri Partap Sharma Advocates	
Respondent	VSR Infratech Private Limited	
Respondent Represented	Ms. Shriya Takkar and Ms. Smriti Srivastava Advocates	
Last date of hearing	19.03.2024	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings

On last date of hearing dated 19.03.2024, the complainant present in person stated that the respondent is demanding an amount towards maintenance charges without giving possession of the subject unit.

The application for restoration was allowed limited to the extent of fulfillment of terms and conditions of settlement deed.



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The complainant was directed to file documents stating that as to what claims in terms of settlement agreement remains to be honoured by the respondent within a period of 45 days after supplying a copy to the counsel for the respondent. The respondent was also directed to file response to the following in the registry of the authority with an advance copy to the counsel for the complainant within a period of 45 days:

- I. Who is in possession of the unit in question as on date?
- II. Whether the subject units have been put on lease and if yes, who is enjoying the lease rentals as on date?
- III. The particular clause of the agreement/MOU/lease agreement as per which the respondent is demanding maintenance charges from the complainant?

The counsel for the respondent states that:

- i) The unit has been leased out to M/s BNM Hotel Pvt. Ltd. and are in possession of the unit since September, 2023.
- ii) The lease rental is getting accrued in the name of the respondent but no amount is received as the complainant has not yet clarified as to whether they want to avail the alleged buy back option or want to lease out the unit on their behalf by the respondent.
- iii) The respondent is seeking maintenance charges from the complainant allottee only till September 2023 in terms of Clause 12 of the MoU dated 26.08.2019.

Further that the respondent is willing and ready to execute the conveyance deed in favour of the complainant-allottee even keeping the issue of outstanding dues pending till the same is adjudicated by the Authority. However, if the complainant is not willing to get the CD executed, the request of refund should be made by the complainant which can be considered after deduction of earnest money and assured return already paid.

The counsel for the complainant states that the settlement agreement of 26.08.2019 should be set aside as the respondent has failed to adhere to its terms.



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CL/1571/2019

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The complainant is directed to clarify in writing whether the complainant wishes to proceed with the project by executing the conveyance deed or wishes to withdraw from the project for seeking refund within a period of 15 days. The respondent may also file the details regarding the amount paid by the complainant and amount paid towards assured return till date.

Arguments heard.

Order reserved.

Matter to come up on **23.07.2024** for pronouncement of order.

Ashok Sangwan
Member

V.I.
Vijay Kumar Goyal
Member

Arun Kumar
Chairman
14.05.2024