



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		46
Day and Date	Tuesday and 29.08.2023	
Complaint No.	CR/1608/2023 Case titled as Dushyant Jain Vs Ramaprastha Promoters & Developers Private Limited	
Complainant	Dushyant Jain	
Represented through	Shri Sushil Yadav, Advocate	
Respondent	Ramaprastha Promoters & Developers Private Limited	
Respondent Represented through	Shri Navneet Kumar, Advocate	
Last date of hearing	First hearing	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings

The present complaint was filed on 06.04.2023 and the reply on behalf of respondent was received on 22.08.2023.

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

S. N.	Particulars	Details
1.	Name of the project	Cannot be ascertained
2.	Project area	Cannot be ascertained
3.	Plot no.	Not available
4.	Plot admeasuring	300 sq. Yds. (Page no. 13 of the complaint)
5.	Date of booking application	Not available
6.	Welcome letter	Not available
7.	Allotment letter	Not available
8.	Date of execution of plot buyer's agreement	Not available
9.	Possession clause	Not available

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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CR/1608/2023

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

10.	Due date of possession	Cannot be ascertained
11.	Basic price of the plot	Cannot be ascertained
12.	Amount paid by the complainant	Rs.81,90,000/- [Rs.61,90,000/- (As per receipt information page no. 13 of complaint) + Rs.20,00,000 (cash)]

The complainant has sought following relief:

1. Direct the respondent to pay delayed possession charges at the prescribed rate of interest.

The complainant submitted that vide receipt dated 15.12.2011, the complainant has paid an amount of Rs.81,90,000/- to the respondent/promoter. The respondent confirmed the amount received vide receipt dated 15.12.2011 and promised the allotment of a plot measuring 300 sq. yards in the project namely "Ramprastha City" located in Gurugram. Till date, the respondent has miserably failed to specify the project as well as plot number where 300 sq. yards has been allotted. The complainant submitted that neither the allotment letter and nor the plot buyer's agreement has been executed till date by the respondent. The complainant tired of the neglectful behavior of the respondent filed the present complaint pleading for delay possession charges along with interest before this authority.

The respondent vide reply dated 22.08.2023 submitted that the complaint is time barred by limitation as the complainant made the payment in the year 2011, and thereafter it never came forward for booking application form and buyer's agreement. Accordingly, the complaint is liable to be rejected. Moreover, the complainant was aware from the very inception that it is making payment w.r.t. future project which is not yet launched.

The complainant present in person alongwith the counsel requests for amendment of the relief from DPC and now seeking refund of the deposited amount. He is directed to amend the relief and file an application in the registry of the authority within a period of 2 weeks after supplying a copy to the counsel for the respondent.

Matter to come up on 7.11.2023 for further proceedings.

V.1-3
Vijay Kumar Goyal
Member
29.08.2023