



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		11
Day and Date	Friday and 10.02.2023	
Complaint No.	CR/164/2019 Case titled as Ved Prakash Vs ILD Millennium Private Limited	
Complainant	Ved Prakash	
Represented through	Shri Nikhil Mittal proxy counsel	
Respondent	ILD Millennium Private Limited	
Respondent Represented	Shri Gunjan Kumar Advocate	
Last date of hearing	18.01.2023	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings

The present complaint has been filed on **31.01.2019** and reply on behalf of respondent was received on 18.01.2023.

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

S. N.	Particulars	Details
1.	Name and location of the project	ILD Spire Greens, Sector 37 C, Gurgaon, Haryana
2.	Nature of the project	Residential group housing project
3.	Project area	15.4829 acres
4.	DTCP license no.	13 of 2008 dated 31.01.2008
5.	Name of licensee	M/s Jubilant Malls Pvt. Ltd. and 3 others
6.	RERA Registered/ not registered	Registered For 64621.108 sq mtrs for towers 2,6 and 7



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		vide no. 60 of 2017 issued on 17.08.2017 up to 16.08.2018
7.	Apartment no.	1004, 10 th floor Tower 7 (page no. 30 of complaint)
8.	Unit area admeasuring	1355 sq. ft. (page no. 30 of complaint)
9.	Date of builder buyer agreement	28.10.2014 (page no. 28 of complaint)
10.	Due date of possession	28.10.2017 [as per possession clause] Note: Grace period is not allowed.
11.	Possession clause	10.1 POSSESSION "The Developer based on its present plans and estimates and subject to all just exceptions, contemplates to complete the construction of the said Building/said within three years from the date of execution of this agreement, with grace period of six month , unless there shall delay or there shall be failure due to reasons mentioned in Clauses 11.1, 11.2, 11.3 and Clause 41 or due to failure of Allottee(s) to pay in time the price of the said Unit along with other charges and dues in accordance with the schedule of payments given in Annexure-C or as per the demands raised by the Developer from time to time or any failure on the part of the Allottee(s) to abide by all or any of the terms or conditions of this Agreement.



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12.	Total sale consideration	Rs. 66,92,755/- (as per agreement on page no. 31 of complaint)
13.	Amount paid by the complainants	Rs. 57,02,336/-
14.	Occupation certificate	02.07.2021
15.	Offer of possession	Not offered

The counsel for the complainant states that respondent is saying in its reply at page 6 that possession was offered vide letter dated 22.09.2021 through email whereas no such mail has been received so far by the complainant.

The counsel for the respondent states that there is no evidence available with them regarding the service of above said mail or any postal receipt regarding the offer of possession. Although the OC has been received on 02.07.2021 that too almost 3 years after the due date.

The counsel for the complainant states that they filed the complaint on 31.01.2019 for seeking refund as there was inordinate delay in the completion of the project.

The counsel for the respondent states that since the OC of the project has been received, the respondent is willing to hand over the possession. However, the counsel for the complainant states that in the reply at page 11, the respondent himself has stated that work of the concerned tower where the unit of the complainant is situated is almost complete and possession shall be offered very soon. The counsel for the complainant stated that they are no more willing and cannot be forced to wait endlessly.

In the light of above facts, the refund is allowed alongwith prescribed rate of interest i.e. 10.60% per annum from the date of deposit of amount till its realization.



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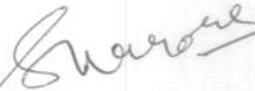
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Matter stands disposed off. Detailed order will follow. File be consigned to the registry.


Sanjeev Kumar Arora
Member
10.02.2023