



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		6
Day and Date	Thursday and 24.11.2022	
Complaint No.	CR/1654/2019 Case titled as Mayank Bhatia Vs Bright Buildtech Private Limited	
Complainant	Mayank Bhatia	
Represented through	Shri Sangam Singh Advocate	
Respondent	Bright Buildtech Private Limited	
Respondent Represented	Shri Deeptanshu Jain Advocate	
Last date of hearing	19.10.2022	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings

The present complaint has been received on 25.04.2019 and the reply on 13.01.2020 in the authority.

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

S.N.	Particulars	Details	
1.	Name of the project	"Woodview Residences", Sector-89 &90, Gurugram, Haryana	
2.	DTCP License	DTCP License	59 of 2013 dated 16.06.2013
		valid up to	15.07.2021
		Licensee name	Orris Land & Housing Pvt. Ltd. and 42 others
3.	Unit no.	B-49, first floor	
4.	date of allotment letter	29.10.2015	
5.	Date of application form	24.09.2015	



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6.	Possession clause	5. Possession : Subject to Clause 5.2 and subject to the Buyer making timely payments, the Company shall endeavor to complete the construction of the Building Block in which the Dwelling Unit is stated within 36 months, with a grace period of 6 (six) months from the date of issuance of Allotment Letter provided that all amounts due and payable by the Buyer has been paid to the Company in timely manner. The Company shall be entitled to reasonable extension of time for the possession of the Dwelling Unit in the event of any default or negligence attributable to the Buyer's fulfillment of terms & conditions of this Agreement.
7.	Due date of possession	29.04.2019
8.	Total sale consideration	Rs.82,00,457/-
9.	Total amount paid by the complainants	Rs.18,99,949/- (as per written submission submitted.)
10.	Occupation certificate	not obtained
11.	offer of possession	not offered

The counsel for the complainant states that in view of the delay in the project, the complainant-allottee is seeking refund of the total amount deposited i.e. Rs.18,99,949/- alongwith interest. However, in the complaint Annexure CRA-II, the complainant has sought the relief of compensation for failure to give possession in due time and under sub para - II of para No.5, the refund of entire amount deposited has been sought. However, in the above amount the



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complainant has also included an amount of Rs.2,80,000/- paid towards pre-EMI to HDFC Bank against the loan amount.

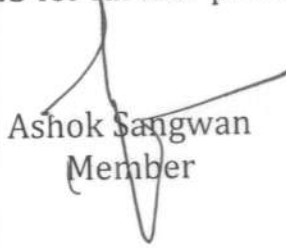
However, the counsel for the respondent states that the allottee is seeking delay possession charges at page 12 of the complaint and grant of refund as compensation which is not in purview of authority rather for the same the complainant has to approach before the Adjudicating Officer.

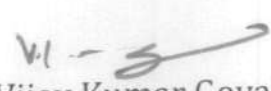
The counsel for the respondent further states that the respondent has received only an amount of Rs.8,36,401/- as the remaining amount of Rs.8,45,533/- was disbursed by HDFC bank but never received by the respondent.

The counsel for the complainant states that copy of cheque issued by HDFC bank in favour of respondent is attached at page No.64 and 65 and hence was deposited with the respondent. The complainant is advised to submit an account statement of concerned bank for having transferred/paid the amount in the account of the respondent-promoter and to clarify the relief being sought to above complaint within 15 days after serving a copy to the respondent.

Matter to come up on **15.02.2023** for further proceedings.


Sanjeev Kumar Arora
Member


Ashok Sangwan
Member


Vijay Kumar Goyal
Member
24.11.2022