



**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 लाईन्स, गुरुग्राम हरियाणा

PROCEEDINGS OF THE DAY		53
Day and Date	Thursday and 12.01.2023	
Complaint No.	CR/1656/2022 Case titled as Mili Jain and Rekha Khandelwal Vs EMAAR MGF LAND LIMITED	
Complainant	Mili Jain and Rekha Khandelwal	
Represented through	Shri Nishant Jain Advocate	
Respondent	EMAAR MGF LAND LIMITED	
Respondent Represented through	Shri J.K. Dang Advocate	
Last date of hearing	10.11.2022	
Proceeding Recorded by	Naresh Kumari and HR Mehta	
Proceedings		
The present complaint was filed on 21.04.2022 and the reply has been filed by the respondent on 28.07.2022.		
Succinct facts of the case as per complaint and reply are as under:		
Sr. No.	Particulars	Details
1.	Name of the project	Emaar Business, Sector-114
2	Nature of the project	Shop cum office plot
3	Provisional allotment letter	10.11.2021
4	Plot no.	EBD 114-B-22
5	Area of the unit (super area)	90 sq. ft.
6	Date of execution of agreement for	23.12.2021

An Authority constituted under section 20 the Real Estate (Regulation and Development) Act, 2016
Act No. 16 of 2016 Passed by the Parliament

भू-संपदा (विनियमन और विकास) अधिनियम, 2016 की धारा 20 के अंतर्गत गठित प्राधिकरण
भारत की संसद द्वारा पारित 2016 का अधिनियम संख्यांक 16



7	Total sale consideration	Rs. 3,24,00,292/- as per the payment plan
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The complainants are seeking the following reliefs:

1. **Direct the respondent to refund the excess amount of Rs. 34,75,588/- illegally taken by the respondent from the complainants under the garb of EDC and IDC with interest from the Date of payment,**

That clause 1.2 of the agreement to sell dated 23.12.2021 provides that the total price of the SCO Plot based on the plot area is Rs. 3,24,00,292/- and that the description of total price is provided in annexure (iii) to the agreement explanation (iv) to clause 1.3 provides that the total price of the SCO Plot for commercial usage includes recovery price of land, development of the SCO Plot but also of the common areas (if applicable), internal development charges, infrastructure augmentation charges, EDC/SIDC, taxes and Cesses/fees/levies etc, cost of providing electric wiring, electrical connectivity to the SCO Plot, water line and plumbing and firefighting equipment in the common areas, to be provided within the project.

That annexure III (**Details of total price**) of the agreement to sell provides that the total price shall comprise of the following:

- i. Basic sale price: Rs 28,564,965/-
- ii. **EDC/SIDC/IDC/ and any interest thereon as applicable: Rs 34,75,588/- as on date.**
- iii. Taxes and Cesses: As applicable.
- iv. Operational charges for miscellaneous facilities: Approx. Rs 3,04,862/- as on date and subject to revision.
- v. Other charges not forming part of the total price are:



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- Interest Free Maintenance Security: Rs. 16,146/-
- Maintenance Charges: payable monthly as applicable
- Parking area maintenance charges: payable monthly as applicable, electrification, switching station charges, if any, as applicable.
- Other payments for any infrastructural facility and/or any other amenities which cannot be ascertained presently shall be payable by the allottee(s) over and above the total price, as and when demanded by the developer

vi. That annexure IV of the agreement to sell sets out the pricing and payment plan in terms of which the allottee is required to make payment of the sale price in 6 instalments. The EDC component of the sale price is to be paid at the time of instalments no 3 and 4.

It is submitted that the EDC/IDC component amounting to Rs. 34,75,588/- is already included in the total price of the SCO unit and that the instalment wise breakup of the charges has been explained in annexure IV to the agreement to sell.

In view of the same the authority is of view that the respondent is right in charging of Rs. 34,75,588/- in lieu of the EDC and IDC.

Matter stands disposed of. File be consigned to the registry.


Sanjeev Kumar Arora
Member


Ashok Sangwan
Member


Vijay Kumar Goyal
Member
12.01.2023