

PROCEEDINGS OF THE DAY		26
Day and Date	Tuesday and 29.10.2024	
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 Priyanjal Jain Advocate	
Respondent	EMAAR MGF LAND LIMITED	
Respondent Represented	Shri Ishaan Dang Advocate	
Last date of hearing	Remand back case – 03.09.2024	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings

The present complaint was filed on 21.04.2022 and the reply on behalf of respondent was received on 28.07.2022.

The aforesaid complaint was decided by the authority vide order dated 12.01.2023, and held that the respondent is right in charging of Rs.34,75,588/- in lieu of EDC and IDC.

Thereafter, the complainant/allottee filed an appeal against the aforesaid order before the Hon'ble Haryana Real Estate Appellate Tribunal, Chandigarh and the said appeal was disposed of vide order dated 03.07.2024, while observing as under:

"6. Having heard learned counsel for the parties and given careful thoughts to the facts of the case, this Bench feels that the effect of notification and terms of agreement entered into between the parties need to be considered and adjudicated upon afresh. It would, thus, be appropriate if a detailed order is passed in this regard as it is likely to effect large number of allottees/promoters."



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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

*7. In view of the aforesaid observation, this Bench deems it fit to remit the matter to the same Authority for **decision afresh at the earliest preferably within three months.***

8. The appeal is disposed of.

9. Copy of this order be communicated to both the parties/counsel for the parties and the learned Authority.

10. File be consigned to the records."

The Appellate Tribunal has remanded back the said complaint vide order dated 03.07.2024, and the notice in this regard has been issued by the registry of this Authority to both the parties on 12.08.2024, through email.

Succinct facts of the case as per complaint and reply as under:-

S. N.	Particulars	Details
1.	Name of the project	"Emaar Business District" (EBD) situated in Sector- 114, Gurugram.
2.	Project area	6.40625 acres
3.	DTCP license	14 of 2021 dated 12.03.2021 valid up to 11.03.2026
4.	Name of licensee	Bailiwick Builders Pvt. Ltd. and 3 others
5.	RERA registered/ or not	Registered vide registration no. 19 of 2021 dated 19.04.2021 Valid up to 11.03.2026
6.	SCO Plot no.	EBD114-B-22 (Page no. 52 of the complaint)
7.	Plot area admeasuring	107.64 Sq. Yards. (Page no. 52 of the complaint)
8.	Booking application form	26.10.2021 (Page no. 23 of the reply)
9.	Allotment Letter dated	10.11.2021 (Page no. 18 of the complaint)
10.	Date of execution of builder buyer agreement	23.12.2021 (Page no. 37 of the complaint)
11.	Possession clause	7. POSSESSION OF THE SCO PLOT 7.1 Schedule for possession of the said SCO plot:- The Developers agrees and understands that timely delivery of

		possession of the SCO plot to the allottee is the essence of the agreement. 5. Time IS ESSENCE:- 5.1 The Developer shall abide by the timely schedule for completing the Project as disclosed at the time of registration of the project with HRERA and towards offer of handing over the SCO plot to the allottee and to the common areas to the association of allottees/RWA or the competent Authority, as the case may be, subject to Force Majeure and Subject to the Allottee complying with all its obligation. (Page no. 62 and 64 of complaint)
12.	Due date of possession	11.03.2026
13.	Total sale consideration	Rs.3,24,00,292/- (As per payment plan annexed with the buyer's agreement at page no. 90 of complaint)
14.	Amount paid by the complainant	Rs.1,49,14,938/- (As alleged by the complaint at page no. 11 of complaint)
15.	Occupation certificate	Not obtained
16.	Offer of possession letter dated	Not offered

The counsel for the complainants states that the complainants has sought refund of the excess the amount of Rs.34,75,588/- being illegally taken by the respondent from the complainants under the grab of EDC and IDC with interest from the date of payment. Further, if the amount is not refunded, the excess amount taken by the respondent may kindly be directed to be adjusted towards future demands raised by the respondents. The counsel for the complainant further states that as per model agreement to sale annexed with the rules of 2017, as per clause 1.2 total price for the built-up unit/apartment not the basic sale consideration.



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CR/1656/2022

New PWD Rest House, Civil Lines, Gurugram, Haryana

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The counsel for the respondent states as per payment plan annexed with the buyer's agreement the total sale consideration was bifurcated in different heads.

Arguments heard.

Order reserved.

Both the parties shall file written submissions within 15 days with an advance copy to each other.

Matter to come up on **10.12.2024** for pronouncement of order.

Ashok Sangwan
Member

V. I - S
Vijay Kumar Goyal
Member

Arun Kumar
Chairman
29.10.2024