

PROCEEDINGS OF THE DAY
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Day and Date	Tuesday and 17.09.2024
Complaint No.	CR/1676/2023 Case titled as Sheela Devi VS Ocean Seven Buildtech Private Limited
Complainant	Sheela Devi
Represented through	Shri Akhand Pratap Singh Chauhan Adv.
Respondent	Ocean Seven Buildtech Private Limited
Respondent Represented through	Shri Arun Yadav, Advocate
Last date of hearing	28.05.2024
Proceeding Recorded by	Naresh Kumari and HR Mehta

Proceedings

The present complaint was filed on 05.05.2023. On 27.02.2024, 19.12.2023, 21.11.2023 ad 26.09.2023, Shri Arun Yadav Advocate, appeared on behalf of the respondent and requests for a sought short adjournment for filing of reply. The said request was allowed, and the respondent was directed to file the reply within stipulated time period. Despite specific direction it has failed to comply with the orders of the authority. It shows that the respondent is intentionally delaying the procedure of the Authority by avoiding filing written reply. Hence, it's defence is ordered to be struck off for not filing reply.

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

S. N.	Particulars	Details
1.	Name of the project	The Venetian, Sector- 70, Gurugram, Haryana
2.	Project area	5.10 acres
3.	Nature of the project	Affordable group housing colony
4.	DTCP license no. and	103 of 2019 dated 05.09.2019
	License validity status	Valid upto 04.09.2024
	Name of licensee	Shree Ratan Lal and others in collaboration with M/s Ocean Seven Buildtech Pvt. Ltd.

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

5.	Building plan approval dated	07.02.2020
6.	Environment clearance dated	Not obtained till date
7.	RERA Registered/ not registered	Registered vide no. 39 of 2020 dated 27.10.2020 Valid up to 02.09.2024
8.	Allotment letter	09.03.2021 [Page 17 of complaint]
9.	Builder buyer agreement	Not executed
10.	Flat no.	101, in tower 2 [Page 17 of complaint]
11.	Unit admeasuring	556.280 sq. ft. of carpet area and 90 sq. ft. balcony area (Page 15 of the complaint)
12.	Possession clause as per Affordable housing policy, 2013	1(IV) of the Affordable Housing Policy, 2013 <i>All such projects shall be required to be necessarily completed within 4 years from the approval of building plans or grant of environmental clearance, whichever is later. This date shall be referred to as the "date of commencement of project" for the purpose of this policy. The licenses shall not be renewed beyond the said 4 years period from the date of commencement of project</i>
13.	Due date of possession	Cannot be ascertained
14.	Total sale price of the flat	Rs.23,00,000/- [As alleged by the complainant at page 15 of complaint]
15.	Amount paid by the complainant	Rs.5,73,207/- [As alleged by the complainant at page 15 of complaint]
16.	Surrender/Cancellation by the complainant through legal notice dated	11.10.2022 [page 23 of complaint]

The counsel for the complainant has sought refund of the amount paid by the complainant along with prescribed rate of interest as the construction of the project has not yet been started and the EC of the project has not been received till date.

The counsel for the respondent has states that refund may be allowed as per provisions of Affordable Group Housing Policey,2013 .



HARERA
GURUGRAM

HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

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Arguments heard.

The respondent is directed to refund the full amount alongwith prescribed rate of interest i.e. 11.10% per annum from the date of each payment till its realization as per clause 5(iii)(b) of the Affordable Housing Group Policy, 2013.

Detailed orders will follow. Matter stands disposed off.

Ashok Sangwan
Member

Vijay Kumar Goyal
Member
17.9.2024