

PROCEEDINGS OF THE DAY		54
Day and Date	Friday and 09.12.2022	
Complaint No.	CR/1749/2018 Case titled as Shashi Sadh Vs M3M INDIA LIMITED	
Complainant	Shashi Sadh	
Represented through	Dr. Arvind Kumar Advocate	
Respondent	M3M INDIA LIMITED	
Respondent Represented	Ms. Shriya Takkar Advocate	
Last date of hearing	14.10.2022	
Proceeding Recorded by	Naresh Kumari and HR Mehta	
Proceedings The present complaint was filed on 20.11.2018 and the reply on behalf of respondent was received on 24.02.2020. On the last date of hearing i.e., 14.10.2022, the counsel for the respondent was placed on record a cancellation letter for the unit in question and has handed over a copy of the same to the counsel of the complainant. The counsel of the complainant stated that he was not aware of any such cancellation and seeks a short adjournment to address his arguments and the same was allowed. Succinct facts of the case as per complaint and annexures are as under:		
S. No.	Heads	Information
1.	Name and location of the project	"M3M Golf Estate-Polo Suites", Sector-65, Gurugram
2.	Project area	63 acres (56.05 acres as per OC)
3.	Nature of the project	Group housing colony
4.	RERA Registered	Not Registered
5.	License No. & validity status	234 of 2007 dated 16.10.2007 valid upto 15.10.2017



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हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

CRP 11/2018

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

		52 of 2009 dated 28.08.2009 valid upto 27.08.2024 35 of 2010 dated 06.05.2010 valid upto 05.05.2020
6.	Name of licensee	Manglam Multiplex Pvt. Ltd.
7.	Unit no.	MGE TW-09/32C, level 32
8.	Super area	3888 sq. ft.
9.	Date of execution of apartment buyer's agreement	10.12.2012
10.	Payment plan	Construction linked payment plan
11.	Total sales consideration	Rs.4,56,40,928/- (As per payment plan)
12.	Total amount paid by allottees	Rs.1,84,65,543/- (as per statement of account, page 143 of complaint)
13.	Due date of delivery of possession as per Clause 16.1- 36 months from the date of commencement of construction or from the date of execution of agreement whichever is later, plus 180 days grace period	10.12.2015 [Calculated from the date of execution of this agreement in the absence of the date of laying first mud is later]
14.	Date of offer of possession	Not offered
15.	Grace period	Not Utilized
16.	OC received on	25.07.2017 [page 135 of the complaint]
17.	Demand cum pre cancellation notice	06.12.2014
18.	Demand cum pre cancellation notice	09.08.2015
19.	Last and final opportunity letter	03.09.2015
20.	Intimation for termination	14.06.2017



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हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम
24/11/2018

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

The complainant is seeking refund of the amount paid against the unit (Rs.1,84,65,543/-) alongwith delay penalty. The counsel for the respondent states that as per their record and receipts available, an amount of Rs.1,40,33,788/- was deposited by the complainant. The counsel for the complainant states that balance amount was deposited in cash for which he does not have any proof/receipt. The counsel for the respondent denies this claim.

The counsel for the complainant states that the original allottee has since expired and the co-allottee is also effected by post covid issue and is facing serious financial difficulties. Therefore, the amount deposited may be refunded with interest.

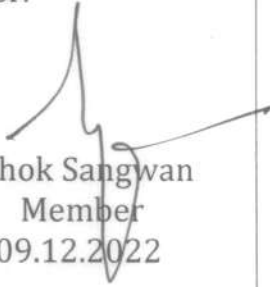
The counsel for the respondent states that the unit has been cancelled way back in June 2017 by following due process and all the due amounts have been deducted after which nothing is payable to the allottee.

Arguments heard.

Order reserved.

Matter to come up on **24.02.2023** for pronouncement of order.


Sanjeev Kumar Arora
Member


Ashok Sangwan
Member
09.12.2022