



**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

<b>PROCEEDINGS OF THE DAY</b>		<b>39</b>
Day and Date	Wednesday and 22.02.2023	
Complaint No.	CR/1770/2022 Case titled Atul Kumar Varshney V/S M/s Imperia Wishfield Pvt. Ltd.	
Complainants	Atul Kumar Varshney	
Represented through	Shri Aditya Vijay Kumar Advocate	
Respondent	M/s Imperia Wishfield Pvt. Ltd.	
Respondent Represented	Ms. Antara Mishra and Nadeem Arman Advocates for Shri Rishi Kapoor Advocate	
Last date of hearing	21.10.2022	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

### **Proceedings**

The counsel for the complainant states that the subject unit was allotted to the complainant in the project of the respondent and as per the agreement signed on 13.09.2016, the due date for handing over of possession was 13.9.2021. However, the project is incomplete and OC has not been received for the same. Therefore, the complainant is seeking refund of the amount deposited ( 15,87.969-) alongwith prescribed rate of interest.

The proxy counsel for the respondent states that in an alternate unit shall be offered to the complainant after the financial year is over and the matter will be amicably resolved. The OC of the project has not been received. Proxy counsel for the respondent also seeks an adjournment for the main counsel to argue.

Arguments heard.

Response of the respondent is already on record and has been perused. The complainant cannot be made to wait indefinitely for possession of the allotted unit and has unqualified right to withdraw from the project since it has been unduly delayed and OC has not even been applied.



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CR/17/10/2022

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In view of the above, refund is allowed alongwith prescribed rate of interest i.e. 10.70% per annum.

Detailed order will follow. Matter stands disposed off. File be consigned to the registry.

  
Ashok Sangwan  
Member  
22.02.2023