



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. विभाग गृह, सिविल लाईंस, गुरुग्राम, हरियाणा

PROCEEDINGS OF THE DAY		47
Day and Date	Thursday and 15.02.2024	
Complaint No.	CR/1799/2023 Case titled as Sharad Kumar Agarwal VS Ansal Housing Limited	
Complainant	Sharad Kumar Agarwal	
Represented through	Shri Sanjeev Kumar Bhardwaj Advocate	
Respondent	Ansal Housing Limited	
Respondent Represented through	Shri Amandeep Kadiyan Advocate for R1	
Last date of hearing	07.12.2023	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings

The present complaint has been received on 01.05.2023 and the reply on behalf of respondent was received on 05.10.2023.

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

S. N.	Particulars	Details
1.	Name of the project	Ansal Heights, 86
2.	Project location	Sector 86, Gurugram, Haryana
3.	Project area	12.843 acres
4.	Nature of the project	Group housing colony
5.	DTCP license no. and validity status	48 of 2011 dated 29.05.2011 valid up to 28.05.2017
6.	Name of licensee	Resolve Estate Pvt. Ltd.
7.	RERA registration details	Not registered
8.	Unit no.	C-0201 [Page no. 29 of the complaint]
9.	Unit area admeasuring	1895 sq. ft. (super area)



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क्र. 1799/2023

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

10.	Date of execution of flat buyer agreement in the name of original allottee	07.09.2012 (Annexed but not executed) [Page no. 26 of complaint]
11.	Transfer letter in favour of the complainant herein	26.08.2015 (Page no. 44 of the complaint)
12.	Possession clause	31. <i>The developer shall offer possession of the unit any time, within a period of 42 months from the date of execution of the agreement or within 42 months from the date of obtaining all the required sanctions and approval necessary for commencement of construction, whichever is later subject to timely payment of all dues by buyer and subject to force majeure circumstances as described in clause 32. Further, there shall be a grace period of 6 months allowed to the developer over and above the period of 42 months as above in offering the possession of the unit."</i> (Emphasis supplied) [Page no. 34 of complaint]
13.	Due date of possession	--
14.	Basic sale consideration as per payment annexed with the buyer's agreement at page no. 45 of the complaint	Rs.73,04,941/-
15.	Sale consideration as per SOA dated 29.05.2023 at pg. 48 of complaint	Rs.63,62,559/-
16.	Amount paid by the complainant as per SOA dated 29.05.2023 at pg. 49 of complaint	Rs.73,69,575/-
17.	Occupation certificate	Not yet obtained
18.	Offer of possession	Not offered



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CR/199/2023

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

The counsel for the complainant states that neither the unit is complete nor OC is yet obtained and project is not registered and hence, the complainant is seeking refund of the amount deposited in terms of statutory rights under section 18 (1) of the Act. The BBA is not executed although a transfer letter dated 26.08.2015 stand issued in favour of the complainant allottee.

The counsel for the respondent requests for filing of written submissions clarifying the status of obtaining of occupation certificate which stand applied to the competent authority, is not yet granted.

Arguments heard.

Both the counsels for the parties may submit written submissions within 15 days with an advance copy to each other.

Order reserved.

Matter to come up on 04.04.2024 for pronouncement of order.

V. J. - 3
Vijay Kumar Goyal
Member
15.02.2024