

PROCEEDINGS OF THE DAY		15
Day and Date	Thursday and 06.10.2022	
Complaint No.	CR/2048/2019 Case titled as MANJU GUPTA Vs EARTH INFRASTRUCTURES LIMITED	
Complainant	MANJU GUPTA	
Represented through	Shri Vinayak Gupta Advocate	
Respondent	EARTH INFRASTRUCTURES LIMITED	
Respondent Represented	None	
Last date of hearing	25.08.2022	
Proceeding Recorded by	Naresh Kumari and HR Mehta	
Proceedings		
The present complaint to the authority / adjudicating officer has been received on 07.04.2021 in view of the judgment dated 11.11.2021 passed by the Apex Court in the case bearing no. <i>SLP(Civil) No(s). 3711-3715 OF 2021) titled as M/s Newtech Promoters and Developers Pvt Ltd Versus State of U.P. and Ors.,</i> and wherein it was held that as matters regarding refund and interest under section 18(1) are to be decided by the authority and matters regarding adjudging compensation to be decided by the Adjudicating officer. But the respondent neither put in appearance through its counsel nor filed any written reply despite giving several opportunities. So, the authority was left with no option but to proceed with the complaint based on averments given in the complaint and the documents placed on the file. Succinct facts of the case as per complaint and annexures are as under:		
S.N.	Particulars	Details
1.	Name of the project	"Iconic shoppee" , sector-71, Gurugram (commercial space)



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हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

CR 2048/2019

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

2.	Unit no.	ATM unit space ,Super area measuring 170 sq. ft. , ground floor . (Page 43 of complaint .)
3.	unit admeasuring	170 sq. ft
4.	Date of apartment buyers' agreement	not executed
5.	date of booking	01.10.2011
6.	Possession clause	The BBA is not executed, the allotment letter is also not executed as well as no reply till date has been received , the MOU does not have any specified clause for possession .
7.	Due date of possession	Cannot be ascertain as there is no proper information provided.
8.	date of memorandum of understanding	14.07.2012 (annexure C-7, page 42)
9.	Total sale consideration	Rs.35,97,580/- (As per information of complaint.)
10.	Total amount paid by the complainant	Rs.35,00,000/- (As alleged by complainant.)
11.	Occupation certificate	Not obtained
12.	offer of possession	not offered

In September / October 2011 the complainant booked a commercial space measuring 170. Sq. ft. in above mentioned project of respondent for a total sum of Rs.35,97,580/- . a welcome letter dated 01.10.2011 was issued. The complainant paid Rs. 35,00,000/- against the above mentioned booking.

An Authority constituted under section 20 the Real Estate (Regulation and Development) Act, 2016
Act No. 16 of 2016 Passed by the Parliament

भू-संपदा (विनियामन और विकास) अधिनियम, 2016 की धारा 20 के अंतर्गत गठित प्राधिकरण
भारत की संसद द्वारा पारित 2016 का अधिनियम संख्यांक 16



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हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम
CR/2048/2019

New PWD Rest House, Civil Lines, Gurugram, Haryana

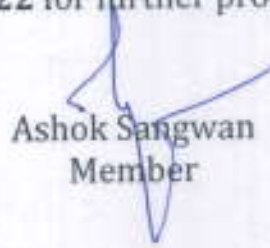
नया पी.डब्ल्यू.डी. विभाग गृह, सिविल लाईन्स, गुरुग्राम, हरियाणा

No buyers agreement was executed in this regard between parties . however a MOU dated 14.07.2012 was executed between parties , as per that document the complainant was requested to deposit the above mentioned and in order to avail benefit of assured return @Rs.21,000/- per month w.e.f. may 2012 till June 2015 or till date of offer of possession whichever is later . the complainant was made payment as promised of assured return upto march 2014 and respondent did not pay the same. Even the project is not completed nor there is any hope in near future so the complainant wants to seek refund of paid amount besides interest.

On the last date of hearing i.e., 25.08.2022 the authority decided to grant refund alongwith interest as well as assured return as per BBA and order was reserved. However, subsequently while checking the status of company on ROC website, it is found that the status of company is **INACTIVE** and hence, the updated status of the company as well as if any moratorium proceedings are initiated or not needs to be ascertained. The counsel for the complainant seeks one week time to check and submit the status, if any available with the allottee or on official website of NCLT which shall also be checked by the registry of the authority.

Matter to come up on **22.12.2022** for further proceedings.


Sanjeev Kumar Arora
Member


Ashok Sangwan
Member


Vijay Kumar Goyal
Member
06.10.2022