



HARERA
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HARYANA REAL ESTATE REGULATORY AUTHORITY
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हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

New PWD Rest House, Civil Lines, Gurugram, Haryana नया पी. डब्ल्यू. डी. विश्राम गृह, सिविल लाईंस, गुरुग्राम, हरियाणा

27

PROCEEDINGS OF THE DAY

Day and Date	Friday and 05.07.2024
Complaint No.	CR/2156/2021 Case titled as MAYANK MANU BHARDWAJ VS ADVANCE INDIA PROJECTS LIMITED
Complainant	MAYANK MANU BHARDWAJ
Represented through	Shri Sukhbir Yadav Advocate
Respondent	ADVANCE INDIA PROJECTS LIMITED
Respondent Represented through	Shri M.K. Dang Advocate
Last date of hearing	19.04.2024
Proceeding Recorded by	Naresh Kumari and HR Mehta

Proceedings

The present complaint has been received on 22.04.2021 and the reply on behalf of the respondent was filed on 03.08.2021. CRA on behalf of complainant was filed on 29.04.2022.

Vide proceedings date 21.10.2022, it was directed that the respondent shall not create any third-party rights till the next date of hearing.

Vide proceedings dated 09.02.2024, assured return has been paid till January 2021 i.e Rs. 15,10,476/-.

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

S. N.	Particulars	Details
1.	Name of the project	"AIPL Joy Central", Sector-65, Gurgaon
2.	Nature of project	Commercial colony



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3.	RERA registered/not registered	Not registered
4.	DTPC License no.	249 of 2007 dated 02.11.2007
	Validity status	01.11.2024
	Licensed area	3.987 acres
	Name of licensee	M/s Wellworth Project Developers Pvt. Ltd.
5.	Application letter dated	12.01.2018 [As per page no. 90 of complaint]
6.	Unit no.	Retail shop no. 1031 on 1 st floor [As per page no. 90 of complaint]
7.	Unit no. was renumbered	The complainant received letter dated 20.05.2020 Retail shop FF-18 on 1 st floor [As per page no. 102 of complaint]
8.	Unit area admeasuring	207.23 sq. ft. [Super area] [As per page no. 90 of complaint]
9.	Revised unit area admeasuring	215.47 sq. ft. [Super area] <u>i.e 3.9 % increased</u> [As per page no. 102 of complaint]
10.	Allotment letter	22.05.2018 [As per page no. 90 of complaint]
11.	Date of builder buyer agreement	Not executed
12.	Total sale consideration	Rs. 33,72,875.48/- [BSP] Rs. 35,33,685.96/- [TSC]



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		[As per statement of accounts dated 02.12.2020 on page no. 87 of complaint]
13.	Amount paid by the complainant	Rs.34,37,260/- [As per statement of account dated 03.07.2024 filed during proceedings today]
14.	Possession clause	Clause j as per application form <i>The company shall subject to force majeure conditions proposes to handover possession of the unit on or before December 2022 notified by the promoter to the authority at the time of project under the Real Estate (Regulation and Development) Act, 2016 and the Haryana Real Estate (Regulation and Development) Rules 2017 and regulation made thereunder for completion of the project or as may be further revised/approved by the authorities.</i>
15.	Due date of possession	December 2022 [Since no buyer's agreement has been executed inter-se parties and therefore, due date of handing over of possession is calculated as per clause j of application form] [pg. 113 of complaint]
16.	Demand letter & reminder	04.02.2020 & 20.02.2020 [As per account statement dated 02.12.2020 on page no. 58-59 of reply]
17.	Pre-termination letter dated	22.04.2020 [As per page no. 60 of reply]
18.	Termination letter dated	10.07.2020 [As per page no. 61 of reply]



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19.	Last payment received by the respondent	The complainant made a payment of Rs. 16,36,566/- on 05.08.2020 and Rs. 45,553/- on 19.08.2020. [As per account statement on page no. 88 of complaint]
20.	Occupation certificate	24.12.2021 [As per website of DTCP]
21.	Offer of possession	Not offered

The counsel for the respondent states that the complaint was filed on 22.04.2021 whereas the due date of possession in the application form at the time of allotment was December 2022.

The authority observes that there is a clear cut violation of Section 13 of the Act, 2016 as the respondent has accepted almost 90% (as alleged by the respondent) payment of the unit prior to execution of BBA and on the last date of hearing also, the respondent was directed to show cause as to why penalty should not be imposed for violation of Section 13 of the Act, 2016 for which no satisfactory reply has been filed till date, hence, a token penalty of Rs. One Lakh is being imposed upon the respondent as per the section 61 of the Act, 2016.

The counsel for the respondent further stated that sum of Rs.2,89,617.54 has been credited to the account of the allottee as discount on 03.01.2022 and has not been paid by the allottee.

The counsel for the complainant states that above said discount was not in fact a discount but was an amount of assured return which was later on modified by the respondent in the statement of account as discount.

Arguments heard.

Order reserved.



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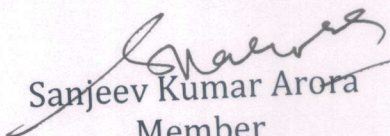
हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम
(R/256/2021)

New PWD Rest House, Civil Lines, Gurugram, Haryana

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Both the counsels for the parties may file written submissions, if they wish to do so, within a period of 15 days with an advance copy to each other.

Matter to come up on 26.07.2024 for pronouncement of order.


Sanjeev Kumar Arora

Member
05.07.2024