



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

PROCEEDINGS OF THE DAY

25

Day and Date	Tuesday and 14.02.2023
Complaint No.	CR/2410/2021 Case titled as VIKAS KUMAR Vs LANDMARK APARTMENT PRIVATE LIMITED
Complainant	VIKAS KUMAR
Represented through	Shri K.K Kohli Advocate
Respondent	LANDMARK APARTMENT PRIVATE LIMITED
Respondent Represented	Shri Amarjeet Kumar Advocate
Last date of hearing	09.11.2022
Proceeding Recorded by	Naresh Kumari and HR Mehta

Proceedings

The present complaint was filed on 14.06.2021 and the reply on behalf of respondent was received on 06.10.2021 for further proceeding.

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

S. N.	Particulars	Details
1.	Name of the project	"Landmark Corporate Center", Sector 67, Gurugram, Haryana
2.	Project area	8.3125 acres
3.	Nature of the project	Cyber Park
4.	DTCP license no. and validity status	97 of 2008 dated 12.05.2008 valid up to 11.05.2020
5.	Name of licensee	M/s Landmark Apartments Pvt. Ltd.



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CRJ 25/10/2021

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

6.	RERA Registered/ not registered	Registered vide no. 61 of 2019 dated 25.11.2019
7.	Unit no.	Executive suites & serviced office, 4 th & 5 th floor (As per on page 48 of reply)
8.	Unit area admeasuring	150 sq. ft. (As per on page 48 of reply)
9.	Date of execution of agreement to sell	Not executed
10.	Date of execution of MOU	29.08.2016 (As per on page 47 of reply)
11.	Possession clause	10. That the company shall offer the possession within 36 months from the date of signing of the agreement to sell. (As per the initial allotment letter on page 28)
12..	Due date of possession	26.10.2019 (Taken from the date of MOU, as BBA is not executed)
13.	Total sale consideration	Rs. 15,30,000/- (As per on page 19 of complaint)
14.	Amount paid by the complainant	Rs. 14,88,000/- (As per on page 19 of complaint)
15.	Occupation certificate	26.12.2018 (As per on page 52 of reply)
16.	Offer of possession	14.04.2021

An Authority constituted under section 20 the Real Estate (Regulation and Development) Act, 2016

भू-संपदा (विनियमन और विकास) अधिनियम, 2016 की धारा 20 के अंतर्गत गठित प्राधिकरण



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CR/2410/2021

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

(As per on page 61 of reply)

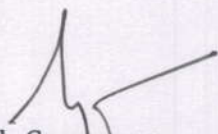
During the proceedings dated 28.07.2022 the authority ha directed the respondent to submit the list of allottee tower wise and status of obtaining OC as the project is not yet registered and the details are not available with the authority.

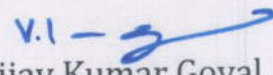
The counsel for the respondent states that above directions pertain to the project "The Landmark Residency", Sector 103, and not to the project of "Landmark Cyber Park" for which the OC has already been obtained on 26.12.2018 and a copy of the same has been filed alongwith the reply at page 52. Further the unit of the complainant is part of Landmark Cyber Park only.

The counsel for the complainant states that no offer of possession was made to the complainant allottee and only a vague circular was received intimating obtaining of OC for Landmark Cyber Park but without specifying any other detail or the unit number or area, stamp duty charges etc. were not provided which cannot be treated as a valid offer of possession. On subsequent visit, the allottee noticed that the project is not complete and has attached photographs with the complaint showing the status of incomplete construction and services and thus has been seeking refund.

Both the parties are directed to submit written submissions not more than 3 pages within 15 days with an advance copy to each other.

Matter to come up on 18.07.2023 for further proceedings.


Ashok Sangwan
Member


Vijay Kumar Goyal
Member
14.02.2023