



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

75

Day and Date	Friday and 12.07.2024
Complaint No.	CR/2453/2023 Case titled as Virender Kumar Gupta VS Suposhaa Realcon Private Limited
Complainant	Virender Kumar Gupta
Represented through	Shri Vivek Singh Advocate
Respondent	Suposhaa Realcon Private Limited
Respondent Represented	Ms. Shriya Takkar and Smriti Srivastava Advocates
Last date of hearing	12.04.2024
Proceeding Recorded by	Naresh Kumari and HR Mehta

Proceedings

The present complaint has been filed on 30.05.2023 and the reply has been filed on 16.10.2023.

S. No.	Heads	Information
1.	Project name and location	'Smart World Orchard, Sector-61, Gurugram
2.	Nature of the project	Residential
3.	DTCP license no. and validity status	68 of 2021 dated 16.09.2021 valid up to 15.09.2026
4.	RERA registered/ not registered	Registered dated 03.11.2021 vide no. 74 of 2021 valid up to 31.12.2024
5.	Allotment letter	13.12.2021 [Page no. 44 of complaint]
6.	Unit no.	Independent floor K-11A [Page no. 44 of complaint] Admeasuring area of 1150 sq. ft.



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CRJ 2459/2023

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

7.	Date of agreement for sale	Not executed
8.	Total sale consideration	Rs. 1,28,28,375/- [Page no. 68 of reply]
9.	Total amount paid by the complainants	Rs. 18,00,000/- [Page no. 9 of complaint and the same was admitted by respondent on page 1]
10.	Due date of delivery of possession	31.12.2024 (taken from another file from the date of rera registration)
11.	Occupation certificate	Not obtained
12.	Offer of possession	Not offered
13.	Demand letter	06.08.2022 (Page 80 of reply) (vide which respondent asked complainant to pay and amount of Rs. 52,55,609/-)
14.	Final opportunity/ Pre-Cancellation letter dated	09.08.2022 (Page 81 of reply) (Vide which he was called upon to pay the outstanding dues within a week)
15.	Cancellation letter dated	16.08.2022 (Page 82 of reply)
16.	Welcome letter in the name of radhika	10.10.2022 (page 84 of reply)
17.	Letter by complainant	30.11.2022 (wherein complainant asked the respondent to either reinstate the unit or refund the amount)

The complainant present in person and the counsel states that they had booked a unit on 13.12.2021 by paying a sum of Rs.18 Lakhs against a total consideration of Rs.1,28,28,375/- and further agrees during the arguments that they had sent a mail on 30.11.2022 which is Annexure R8 page 83 which clearly states that the complainant is seeking refund of the amount.



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CR/2453/2023

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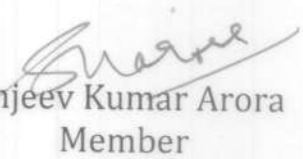
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The counsel for the respondent states that since the complainant was not willing to continue with the project and did not pay the amount demanded on 09.08.2022 the unit was already cancelled on 16.08.2022 and further refund was processed and sent to the complainant through RTGs on 15.04.2023 and the complaint has been filed by the complainant post receipt of that refund amount, hence, as on the date of filing the complaint, the complainant had no claim of the said unit.

Arguments heard.

Order reserved.

Matter to come up on 02.08.2024 for pronouncement of order.


Sanjeev Kumar Arora
Member
12.07.2024