



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 लाईन, गुरुग्राम, हरियाणा

PROCEEDINGS OF THE DAY

18

Day and Date	Thursday and 19.10.2023
Complaint No.	CR/2454/2022 Case titled as Vishal Mathur and Divya Mathur V/s PAREENA INFRASTRUCTURES PRIVATE LIMITED
Complainant	Vishal Mathur and Divya Mathur
Represented through	Shri Abhisek Rao, Advocate
Respondent	PAREENA INFRASTRUCTURES PRIVATE LIMITED
Respondent Represented through	Shri Prashant Sheoran, Advocate
Last date of hearing	8.8.2023
Proceeding Recorded by	Naresh Kumari and HR Mehta

Proceedings

The present complaint was filed on 06.06.2022 and registered as complaint No. 2454 of 2022 and reply is received on 19.10.2022.

The succinct facts of the case are as follows:

S. No.	Particulars	Details
1.	Name and location of the project	"Coban Residences", Sector-99A, Gurugram
2.	Nature of the project	Residential
3.	Project area	10.5875 acres
4.	DTCP license no.	10 of 2013 dated 12.03.2013 valid up to 11.03.2024
5.	Name of licensee	Monex Infrastructure Pvt. Ltd.
6.	RERA Registered or not registered	Registered and dated GGM/419/151/2020/335 dated 16.10.2020 valid up to 11.03.2024
7.	Unit no. and floor no.	1903 and 19 th floor and Tower-1 (As per page no. 21 of the complaint)



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CR/2459/2022

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

8.	Unit area admeasuring	2352 sq.ft. (Super area) (As per page no. 21 of the complaint)
9.	Date of execution of apartment buyer's agreement	13.12.2013 (As per page no. 19 of the complaint)
10.	Possession clause	3.1 <i>That the developer shall, under normal conditions, subject to force majeure, complete construction of Tower/Building in which the said flat is to be located within 4 years of the start of construction or execution of this Agreement whichever is later, as per the said plans and specifications seen and accepted by the Flat Allottee.....</i> 5.1 <i>In case within a period as provided hereinabove, further extended by a period of 6(six) months if so required by the developer, the developer is unable to complete construction of the said flat.</i>
11.	Due date of possession	13.12.2017 (Note: Due date to be calculated 4 years from the date of execution of apartment buyer's agreement i.e., 13.12.2013.)
12.	Payment Plan	Construction linked payment plan (As per page no. 44 of the complaint)
13.	Basic sale price	Rs. 1,14,55,416/- (As per schedule of payments on page no. 44 of the complaint)
14.	Total sale consideration	Rs. 1,40,177,752/- (As per schedule of payments on page no. 44 of the complaint)



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New PWD Rest House, Civil Lines, Gurugram, Haryana

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

15.	Amount paid by the complainant	Rs. 72,99,822/- (As per cancellation letter on page no. 55 of the complaint)
16.	Occupation Certificate/ completion certificate	Not received
17.	Offer of possession	Not offered
18.	Pre-cancellation letter	10.06.2021 (As per page no.57 of the complaint)
19.	Cancellation letter	12.08.2021 (As per page no. 55 of the complaint)

The complainants are seeking refund of the deposited amount with interest. The counsel for the complainant states that even after above cancellation, the offer of possession was also made on 14.12.2022 while the complaint was filed on 6.6.2022 seeking refund of the amount deposited alongwith interest as despite having paid substantial amount towards consideration of the unit, the project is not completed while the due date of handing over of possession has already lapsed on 13.12.2017 and hence allottee cannot expected to wait endlessly for handing over of the possession of the unit which was booked 10 years back and hence the complainant is seeking his statutory right of refund under section 18(1) of the Act.

The counsel for the respondent requests for checking the status of the above offer letter from the respondent and request for filing written submissions which may be filed within three weeks after supplying a copy to the counsel of the complainant who may also file submissions, if any, within above period.

Order reserved.

Matter to come up on 21.12.2023 for pronouncement of orders.

V. I. -
Vijay Kumar Goyal
Member
19.10.2023