



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

PROCEEDINGS OF THE DAY		19
Day and Date	Thursday and 23.11.2023	
Complaint No.	CR/2466/2022 Case titled as Inder Nath And Rajkumari VS Agerante Reality Private Limited	
Complainant	Inder Nath And Rajkumari	
Represented through	Ms Nisha Gaur, Advocate	
Respondent	Agerante Reality Private Limited	
Respondent Represented through	Ms Nishta Jain, proxy ocuns	
Last date of hearing	14.9.2023	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings

The present complaint has been received on 21.10.2020. The reply on behalf of respondents 1 & 2 have been filed on 22.09.2022 & 10.11.2020 respectively. On the last date of hearing i.e., 14.09.2023, the complainant was directed to file fresh affidavit to be given by all the complainants individually and the same was filed on 17.11.2023.

Succinct facts of the case are as under:

S. N.	Particulars	Details
1.	Name of the project	"Beethoven's 8", Sector- 107, Gurgaon
2.	Nature of project	Group housing complex
3.	RERA registered/not registered	Not Registered
4.	DTPC License no.	23 of 2012 dated 23.03.2012
	Validity status	Not available on record
	Name of licensee	Narendra Kumar Gupta & others
	Licensed area	18.0625 acres
5.	Unit no.	Minor-H/A/1105 [pg. 26 of complaint]



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CR No. 2466/2022

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6.	Unit area admeasuring	1300 sq. ft. [pg. 27 of complaint]
7.	Allotment letter	19.06.2014 [pg. 24 of complaint]
8.	Date of builder buyer agreement	19.06.2014 [pg. 25 of complaint]
9.	Total sale consideration	Rs.78,16,495/- [pg. 33 of complaint]
10.	Amount paid by the complainant	Rs.26,89,505/- (As per amended complaint dated 11.09.2023, at page 12 of the amended compliant)
11.	Possession clause	Clause 18(a) <i>Subject to other terms of this Agreement/Agreement, including but not limited to timely payment of the Total Price, stamp duty and other charges by the Vendee(s), the Company shall endeavor to complete the construction of the Said Apartment within 42 (Forty-two) months from the date of Allotment, which is not the same as date of this Agreement. The Company will offer possession of the Said Apartment to the Vendee(s) as and when the Company receives the occupation certificate from the competent authority(ies). Any delay by the Vendee(s) in taking possession of the Said Apartment from the date of offer of possession, would attract holding charges @Rs. 05 (Five) per sq. ft. per month for any delay of full one month or any part thereof. (Emphasis supplied) [pg. 41 of complaint]</i>
12.	Due date of possession	19.12.2017 [Due date calculated from date of allotment i.e., 19.06.2014]
13.	Occupation certificate	Not obtained
14.	Offer of possession	Not offered

The complainant is seeking refund of the entire amount paid to the respondent with interest to enable the complainant to settle the loan amount of Rs. 21,72,456/- and restrained the respondent from raising claims as no amount remains payable under subvention scheme to raise Its claim with respondent.

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New PWD Rest House, Civil Lines, Gurugram, Haryana

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

The copy submitted by the complainant has been supplied to the counsel for the respondent as well. The counsel for the respondent further confirms that the unit is not yet completed neither the OC has been applied for and received from the competent authority. The counsel for the complainant has claimed that an amount of Rs.26,89,505/- has been paid to the respondent while as per respondent only an amount of Rs. 20,25,000/- has been paid. A copy of receipts by the complainant and a copy of statement of account to be filed by the respondent within two week.

Arguments heard.

Order reserved.

Matter to come up on 18.1.2024 for pronouncement of orders.

V.I-3
Vijay Kumar Goyal
Member
23.11.2023