



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

48

Day and Date	Friday and 20.09.2024
Complaint No.	CR/2485/2023 Case titled as Alok Kumar Chaudhary and Kirtika Chaudhary VS International Land Developers Private Limited
Complainant	Alok Kumar Chaudhary and Kirtika Chaudhary
Represented through	Shri Ajay Kumar Singh, Advocate
Respondent	International Land Developers Private Limited
Respondent Represented	Shri Rishabh Gupta, Advocate
Last date of hearing	02.08.2024
Proceeding Recorded by	Naresh Kumari and HR Mehta

Proceedings

The present complaint was filed on 09.06.2023 and reply on behalf of respondent was received on 06.06.2024.

S. N.	Particulars	Details
1.	Name and location of the project	"Arete", Sector 33, Gurugram
2.	Nature of the project	Group Housing Colony
3.	Project area	11.61 acres
4.	DTCP license no.	44 of 2013 dated 04.06.2013 valid upto 03.06.2019
5.	Name of licensee	Brijesh-Sanjeev Ss/o Satbir and 2 others
6.	RERA Registered/ not registered	06 of 2019 dated 08.02.2019 valid upto 02.07.2022



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7.	Allotment Letter	06.04.2014 (Page 16 of complaint)
8.	Date of execution of apartment agreement buyer	20.01.2015 (Page 23 of complaint)
9.	Unit no.	402, 4 th floor, tower C (Page 27 of complaint)
10.	Unit area admeasuring (super area)	1275 sq. ft. (Page 27 of complaint)
11.	Possession clause	10. Possession of Apartment 10.1 Subject to timely grant of all approvals (including revisions thereof). permissions. certificates. NOCs, permission to operate, full/part occupation certificate etc. and further subject to the Buyer having complied with all its obligations under the terms and conditions of this Agreement, and subject to all the buyers of the apartments in the Project making timely payments including but not limited to the timely payment of the Total Sale Consideration. stamp duty and other charges, fees, IAC. Levies & Taxes or increase in Levies & Taxes, IFMSD, Escalation Charges, deposits, Additional Charges to the Developer and also subject to the Buyer having complied with all formalities or documentation as prescribed by the Developer, the Developer shall endeavor to complete the construction of the Said Apartment



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		within 48(Forty Eight) months from the date of execution of this Agreement and further extension/grace period of 6 (six) months.
12.	Due date of possession	20.07.2019 (Calculated as 48 months from date of execution of BBA plus 6 months grace period as the same is unqualified)
13.	Total sale consideration	Rs. 76,25,975/-
14.	Amount paid by the complainants	Rs. 27,54,064/-
15.	Occupation certificate	Not obtained
16.	Offer of possession	Not obtained

The complainant is seeking refund of the amount deposited with the respondent on the grounds of the failure of the respondent to handover the unit allotted in terms of the BBA dated 20.1.2015. The due date of handing over of possession was 20.7.2019 and the OC for the project has not been received till date.

The counsel for the respondent states that the construction of the project is in full swing and the OC is expected in a period of one year.

In view of the above, the case is covered under section 18(1) of the Act, 2016 and accordingly, the respondent is directed to refund the amount deposited by the complainant alongwith prescribed rate of interest i.e. 11.10% from the date of each deposits till its realization.

Matter stands disposed off. Detailed orders will follow.

Ashok Sangwan
Member
20.09.2024