

PROCEEDINGS OF THE DAY		86
Day and Date	Tuesday and 16.04.2024	
Complaint No.	CR/2686/2023 Case titled as Kaushal Kumar Kakash VS Ansal Housing & Construction Limited	
Complainant	Kaushal Kumar Kakash	
Represented through	Shri Gaurav Yadav Advocate	
Respondent	Ansal Housing & Construction Limited	
Respondent Represented	None	
Last date of hearing	09.01.2024	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings

Since in the present complaint, the complainant has asked for two reliefs at the same time, the same needs clarification as to which relief the complainant will pursue his complaint with.

On the last date of hearing i.e 09.01.2024, none was present and one more opportunity was given to put in appearance to argue the matter.

The present complaint has been received on 04.07.2023 and the reply was received on 09.11.2023.

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

Sr. No.	Particulars	Details
1.	Name of the project	Ansal Hub 83 boulevard , Sector 83, Gurugram, Haryana
2.	Total area of the project	2.60acres
3.	Nature of the project	Commercial



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हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

CR/2686/2023

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

4.	DTCP license no.	113 of 2008 dated 01.06.2018 valid upto and 71 of 2010 dated 05.09.2010
5.	Rera Registered	Registered vide no. 09 of 2018 dated 08.01.2018 for 2.80 acres Valid upto 31.12.2020
6.	Shop no.	S-072 [page 26 of complaint]
7.	Area of the unit	420 sq. ft
8.	Provisional allotment letter issued on	31.01.2011 [page 41 of reply]
9.	Endorsement in the name of 1 st subsequent allottee i.e the complainant dated	27.10.2020 (Page 53 of the complaint) (The complainant's father i.e the original allottee transferred the shop in the name of the complainant)
10.	Date of execution of buyer's agreement	30.12.2014 [page 22 of complaint]
11.	Possession clause	30. POSSESSION <i>The developer shall offer possession of the unit any time , within a period of 42 months from the date of execution of agreement or within 42 months from the date of obtaining all the required sanctions and approval necessary for commencement of construction , whichever is later subject to timely payment and of all the dues by buyer and subject to force majeure circumstances as described in clause 31 .</i>



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		<p><i>Further there shall be a grace period of 6 months allowed to the developer over and above the period of 42 months as above in offering the possession of the unit.</i></p> <p>[page 33 of complaint]</p>
12.	Due date of possession	<p>30.12.2018</p> <p>[Note: 42 months from the date of agreement i.e 30.12.2014 as the date of start of construction is not known + 6 months grace period allowed being unqualified]</p>
13.	Total consideration as per the buyer agreement	<p>Rs.29,38,005/- BSP</p> <p>(Page 26 of complaint)</p>
14.	Total amount paid by the complainant	<p>Rs.26,74,95/-</p> <p>(As stated by the complainant in the facts)</p>
15.	Occupation certificate granted on	<p>Not obtained</p>
16.	Offer of possession	<p>Not offered</p>

The respondent in its reply stated that the complainant has booked a shop no. F-124 but no documents are attached. Therefore, the same needs clarification and also stating that the project was taken over by Samyak projects Pvt. Ltd.

Arguments heard.

The counsel for the complainant clarifies that while filing the complaint, the relief of refund has been sought alongwith interest on the deposited amount as prescribed u/s 18 of the Act as neither the project is completed till date nor offer of possession has been made and the allottee cannot be expected to wait endlessly for handing over the possession.



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None is present on behalf of the respondent today and hence the case is being proceeded on the basis of facts available on the record.

In view of the above, full refund is allowed alongwith prescribed rate of interest i.e. 10.85% per annum from the date of its deposit till its realization.

Matter stands disposed off. Detailed orders will follow.

Ashok Sangwan
Member

V.1-3
Vijay Kumar Goyal
Member

Arun Kumar
Chairman
16.04.2024