

PROCEEDINGS OF THE DAY
48

Day and Date	Wednesday and 25.09.2024
Complaint No.	CR/279/2024 Case titled as Sanjiv Gogna and Passerine Wealth Solutions Pvt Ltd. V/S DSS Buildtech Private Limited
Complainant	Sanjiv Gogna and Passerine Wealth Solutions Pvt Ltd.
Represented through	Shri Gunjan Kumar proxy counsel
Respondent	DSS Buildtech Private Limited
Respondent Represented	Shri Harshit Batra Advocate
Last date of hearing	17.07.2024
Proceeding Recorded by	Naresh Kumari and HR Mehta

Proceedings

The present complaint has been filed on **09.02.2024** and registered as complaint no. **279** of **2024**. Reply on behalf of the respondent has been received on **27.03.2024**.

Succinct facts as per the complaint and the reply are as follows:

Sr. No.	Particulars	Details
1.	Name of the project	"The Melia", Sector-35, Sohna, Gurugram, Haryana.
2.	Area of the project	17.41 acres
3.	Nature of project	Group housing
4.	DTCP license no.	77 of 2013
5.	RERA registered	Registered Registration no. 288 of 2017



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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 लाइन्स, गुरुग्राम, हरियाणा

		Dated-10.10.2017
6.	Unit no.	D-404
8.	Allotment letter	Not available
9.	Date of execution of buyer's agreement dated	Not executed.
10.	Possession clause	Not available
11.	Due date of possession	Cannot be ascertained
12.	Total sale consideration	Rs.79,34,850/-
13.	Total amount paid by the complainant	Rs.13,50,000/-
14.	Cancellation letter	01.05.2023
15.	Occupation certificate	Not on record
16.	Offer of possession	Not offered

The complainant has sought following relief(s):-

1. Set aside cancellation letter dated 01.05.2023.
2. Direct the respondent to refund the entire amount of Rs.13,50,000/- paid by the complainants alongwith interest from the date of respective deposits till its actual realization.

The counsel for the complainant is seeking refund of the deposited amount post cancellation which was issued on 1.5.2023 stating that as per RERA regulations only an amount of 10% of the sale consideration can be deducted. Further, no BBA has been executed between the parties.

The counsel for the respondent states that as per the payment plan the complainant defaulted in making the due payments and the cancellation was effected after issuing due reminders. The forfeiture was made taking into consideration the interest on the due amount.

Arguments heard.



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Order reserved.

Both the counsels may file brief written submissions within a period of two weeks after supplying a copy to each other.

Matter to come up on 23.10.2023 for pronouncement of orders.

Ashok Sangwan
Member
25.09.2024