



HARERA
GURUGRAM

HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

New FWD Rest House, Civil Lines, Gurugram, Haryana

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

PROCEEDINGS OF THE DAY

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Day and Date	Friday and 20.09.2024
Complaint No.	CR/3158/2023 Case titled as Kusum Lata Dabas and Manish Dabbas VS Clarion Properties Limited
Complainant	Kusum Lata Dabas and Manish Dabbas
Represented through	Ms. Tanya Advocate
Respondent	Clarion Properties Limited
Respondent Represented	Shri Arul Prakash Advocate
Last date of hearing	02.08.2024
Proceeding Recorded by	Naresh Kumari and HR Mehta

Proceedings

The present complaint has been filed on 18.07.2023 and the reply has been filed on 04.01.2024.

S. No.	Heads	Information
1.	Project name and location	"The Hive", Sector-102, Gurugram
2.	Nature of the project	Commercial
3.	DTCP license no. and validity status	93 of 2012 dated 05.09.2012 valid up to 04.09.2020 31 of 2014 dated 12.06.2014 valid up to 11.06.2019 30 of 2014 dated 12.06.2014 valid up to 11.06.2024
4.	RERA registered/ not registered	Registered dated 17.10.2017 vide no 316 of 2017 valid up 16.11.2024

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5.	Application dated	18.08.2019 [Page no. 33 of reply]
6.	Shop no.	F-122, admeasuring 666 sq.ft. Increased to 689 sq. ft. [Page no. 44 of complaint]
7.	Date of execution of buyers' agreement	04.10.2019 [Page no. 40 of complaint] -
8.	Due date of delivery of possession (the possession of the allotted unit given to the allottee by the company on or before time granted under the registration by RERA)	16.11.2024 (completion date - As declared in REP-II by promoter at page 4 of reply)
9.	Assured return	Rs. 38,922 per month from 01.01.2021 till offer of possession (page 125 of complaint mail dated 09.09.2022) Amount adjusted - Rs. 7,39,428 which was to be adjusted at the time of offer of possession. Instead of Rs. 9,73,050/- (Page 10 of complaint)
10.	Total sale consideration	Rs. 47,54,094/- (As per BBA at page 45 of complaint)
11.	Total amount paid by the complainants	Rs. 45,27,492/- (page 5 of complaint as SOA has not been placed in the file)
12.	Occupation certificate	06.02.2023 (page 112 of reply)
13.	Offer of possession	13.02.2023 (page 98 of reply) along with a demand of Rs. 10,22,815/-towards the final payment

The counsel for the complainant states that the respondent vide affidavit cum declaration dated 29.07.2017 (page 20) had undertaken to complete the construction of the project within 42 months from the start of construction of the building or execution of agreement whichever is later. Also as alleged offer of possession contains illegal demand of electric connection charges, sinking fund, electric meter installation charges. Etc.

The complainant also stated while offering possession the respondent has adjusted an amount of Rs. 7,39,428/- towards assured return but the amount should be Rs. 9,73,050/-.

The complainants are seeking directions for payment of assured return in terms of email dated 09.09.2022 in respect of unit No.F-122 of the project of the respondent which was to be paid from 01.01.2021 till offer of possession. The offer of possession was made on 13.02.2023. The complainants further seek direction to set aside the demands raised by the respondent with the offer of possession which are unjustified and also hand over of possession.

The counsel for the respondent states that there are two allottees in the matter but the affidavit / authorization of Shri Manish Dabas is not on record. The assured return has been duly adjusted. So far as the amount being disputed by the complainants are concerned, the same are very much a part of the BBA dated 04.10.2019.

The counsel for the respondent is filing additional document in respect of his claim of payment of assured return and has handed over a copy of the same to the counsel for the complainant during the course of hearing. The counsel for the complainant wishes to file response to the same which may be done within a period of 2 weeks.

Arguments heard.

Order reserved.

Matter to come up on 18.10.2024 for pronouncement of order.


Ashok Sangwan
Member
20.09.2024