



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

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Day and Date	Friday and 24.01.2025
Complaint No.	CR/3319/2023 Case titled as Sumit Dudha VS Ninaniya Estate Limited
Complainant	Sumit Dudha
Represented through	Shri Vijay M. Chauhan Advocate
Respondent	Ninaniya Estate Limited
Respondent Represented	None
Last date of hearing	27.09.2024
Proceeding Recorded by	Naresh Kumari and HR Mehta

Proceedings

The present complaint was filed on 17.07.2023 and no reply has been filed till date.

S. N.	Particulars	Details
1.	Name and location of the project	"Prism Portico, Sector 89, Pataudi Road, Gurugram, Haryana
2.	Nature of the project	Commercial Complex
3.	RERA Registered/ not registered	Not Registered
4.	Retail Shop no.	GB-06 -, Ground floor (page no.15 of complaint)
5.	Shop area admeasuring	500 sq. ft. (page no. 15 of complaint)
6.	Buyer's Agreement	11.05.2013 (Page 12 of the complaint)
7.	Possession clause	5.1 That the Company shall complete the



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CRJ 33191 823

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

		<i>construction of the said Unit within 36 months from the date of execution of this Agreement and/or from the start of construction whichever is later and Offer of possession will be sent to the Allottee subject to the condition that all the amounts due and payable by the Allottee by the stipulated date as stated in Annexure-II attached with this agreement including sale price, maintenance charges, security deposit, stamp duty and other charges etc, have been paid to the Company. The company on completion of the construction shall apply for completion certificate and upon grant of same shall issue final letters to the Allottees(s) who shall within 30 days, thereof remit all dues.</i> <i>5.2 If there is any delay due to any force majeure reasons as explain hereinafter then the period of delay shall commence 6(six) months after the due date , as this 6 (six) months period shall be grace period available with the company to complete the said complex.</i>
8.	Mou	10.04.2017
9.	Assured return clause	<i>2. The buyer has to pay to the Developer an amount of Rs. 33,75,000/- on which the developer shall give an investment assured return of Rs. 48,125/- per month w.e.f 10.04.2017 on in arrears , till the date the possession of the fully furnished said unit is handed over to the buyer.</i>
10.	Due date of possession	11.05.2017 (calculated from the date of buyer's agreement, as date of construction is not



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CRJ 3319/2023

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		on records plus 12 months of grace period being unqualified)
11.	Total sale consideration	Rs. 37,50,000/- (at page 34 of complaint)
12.	Amount paid by the complainant	Rs. 37,50,000/-
13.	Occupation certificate	Not obtained
14.	Offer of possession	Not offered
15.	Assured Return Paid till	01.04.2020

The counsel for the complainant requests to direct the respondent to pay the balance amount due to the complainants till the handing over of possession of the unit on account of the assured return under MoU before signing the sale deed, to pay DPC and to handover the entire possession once it is ready and not force an incomplete unit without proper road, electrification of the roads , as mentioned under BBA.

The counsel for the complainant has submitted written submissions which are taken on record.

None is present on behalf of the respondent today.

Arguments heard.

Order reserved.

The respondent may file brief written submissions within a period of 2 weeks with an advance copy to the complainant.

Matter to come up on **28.03.2025** for pronouncement of order.

V.I.
Vijay Kumar Goyal
Member
24.01.2025