



HARERA
GURUGRAM

HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा मू-संपदा विनियामक प्राधिकरण, गुरुग्राम

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

PROCEEDINGS OF THE DAY		9
Day and Date	Tuesday and 03.10.2023	
Complaint No.	CR/3351/2021 Case titled as JOGINDER Vs BLACKBERRY REALCON PVT. LTD.	
Complainant	JOGINDER	
Represented through	Shri Vivesh Garg Advocate	
Respondent	BLACKBERRY REALCON PVT. LTD.	
Respondent Represented	Shri Pardeep Garg AR	
Last date of hearing	29.8.2023	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings

Vide orders dated 18.11.2022, the respondent was directed to provide a detailed account statement showing the amount paid and due towards the sale consideration as per BBA after adjusting the DPC liability without charging any holding charges. The same has not been filed till date.

Vide orders dated 04.05.2023 the counsel for the complainants has not yet clarified whether the relief sought is pertains to delay possession charges or wishes to withdraw from the project and seeks refund after deduction of 10% of the basic sale consideration. The counsel for the complainant was directed to file requisite clarification in next one week after supplying a copy to the respondent.

However, nothing has been placed on record yet.

The present complaint has been received on 23.08.2021 and the reply on behalf of respondent was received on 12.10.2021.

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

Sr. No.	Particulars	Details
1.	Name of the project	Paras Square , Sector 63 A, Gurugram, Haryana



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CR-3351/2021

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2.	Allotment	30.08.2013 (Page 17 of the complaint)
3.	Unit no.	FF 60 Admeasuring 420 sq. ft. [page 17 of complaint]
4.	Date of execution of buyer's agreement	12.12.2013 [page 21 of complaint]
5.	Possession clause	7. POSSESSION <i>(a) Time of handing over the Possession</i> <i>The date of completion of the project shall be 36 months from the start of construction here off subject to force measure or any other reason...</i> (Emphasis supplied) [page 30 of complaint]
6.	Due date of possession	Cannot be ascertain [Note: Grace period is not included]
7.	Fixed monthly income plan dated 30.09.2013	the developer shall pay a monthly income of Rs .46,200 per month on or before 10th day of each calendar month. the fixed monthly income shall be stopped immediately with the offer of possession given by the developer to the allottee (Page 18 of the complaint)
8.	Total consideration	₹ 47,63,340/- [page 17 of complaint]
9.	Total amount paid by the complainant	₹ 47,63,000/-



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CR/3351/2021

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नया पी.डब्ल्यू.डी. विभाग गृह, सिविल लाइन्स, गुरुग्राम, हरियाणा

10.	Occupation certificate	23.07.2018 [page 44 of reply]
11.	Offer of possession	28.07.2018 [page 32 of reply]
12.	Demand letter	19.02.2020, 19.10.2020, 30.11.2020 11.02.2021, (Page 142- 146),
13.	Pre cancellation	10.08.2021 (Page 147 of reply)

The counsel for the complainant has submitted an application dated 29.05.2023 clarifying the relief sought by the complainant which is refund of the amount deposited. The AR of the respondent seeks a short adjournment in the matter as the main counsel is not available today.

The matter is pending since 2021 and the allottee cannot be made to wait for justice endlessly. The pleadings are on record.

Both the parties may submit brief written submissions within a period of 2 weeks if they wish to do so.

Order reserved.

Matter to come up on 21.11.2023 for pronouncement of order.


Sanjeev Kumar Arora
Member


Ashok Sangwan
Member


Vijay Kumar Goyal
Member
03.10.2023