



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

16

Day and Date	Friday and 12.04.2024
Complaint No.	CR/341/2020 Case titled as Upender Singh Ahlawat VS Sana Realtors Private Limited
Complainant	Upender Singh Ahlawat
Represented through	Shri Manu Ahlawat Advocate
Respondent	Sana Realtors Private Limited
Respondent Represented through	Shri Gaurav Raghav, Advocate
Last date of hearing	12.01.2024
Proceeding Recorded by	Naresh Kumari and HR Mehta

Proceedings

The present complaint has been filed on 27.01.2020 and the reply on behalf of respondent was received on 12.07.2023.

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

Sr. No.	Particulars	Details
1.	Name of the project	"Precision Soho Tower" in Sector 67, Sohna, Gurgaon.
2.	Nature of the project	Commercial
3.	Project area	2.46 acres
4.	RERA Registered/ not registered	Not registered
5.	DTCP License No.	72 of 2009 dated 26.11.2009 valid upto 25.11.2019



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CR/241/2020

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6.	Name of licensee	Hari Singh
7.	Unit no.	06 A, Ground Floor (Page no. 18 of complaint)
8.	Unit admeasuring	731 sq. ft. (Page no. 18 of complaint)
9.	Date of MOU	05.07.2010 (page no. 17 of complaint)
10.	Assured return clause	4. The developer shall pay the Assured Investment Return @ Rs. 60/- to the second party respectively of the proposed space on or before 15 th of every month from July 2010.
11.	Possession clause	<i>Not mentioned</i>
12.	Due date of delivery of possession	Cannot be ascertained.
13.	Total sale consideration	Rs. 27,85,110/- (as per MOU on page no. 18 of complaint)
14.	Total amount paid by the complainant	Rs. 27,85,110/- + Rs. 20,00,000/- for second unit (as per SOA on page no. 47 of complaint)
15.	Amount of assured return paid by respondent	Rs. 47,35,880/- From July 2010 to August 2019 (As alleged by respondent)
16.	Occupation certificate	10.10.2019 (page no. 16 of reply)



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17.	Offer of possession	22.10.2019 (Page no. 18 of reply)
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The complainant is seeking delayed possession charges.

The counsel for the complainant states that they have paid an amount of Rs. 47,85,110/- for two units and an MoU was signed on 5.7.2010 whereas one unit was allotted and consideration of which was taken as Rs.27,85,110/- and balance 20 lakhs was to be returned by the respondent to the complainant-allottee out of which Rs. 14 lakhs have been returned and Rs. 6-00 lakhs are still pending. Further stated that the complainant has received assured return as per MoU till September,2019 . However, the assured return had to be paid till the handover of the unit.

Further stated that an offer of possession was issued on 22.10.2019 which was enclosed with demand of Rs. 4,77,486/- which is as per R-3 page 18. Further stated that the allottee has paid full amount and rather a sum of Rs. 6 lakh was lying an advance with the respondent hence the complainant-allottee to give clarification of the demand which he has not given. Further stated that the respondent has cancelled the unit on account of default in payment in February 2020 however the authority dismissed the cancellation and upheld the unit on 3.3.2020. Now the allottee has come before the authority for balance amount of assured return as well possession of the unit.

The counsel for the respondent states that as per the MoU the complainant has to follow the path of arbitrator coming before the authority and further stated that a sum of Rs. 6 lakh were returned to the complainant-allottee in cash in the year 2011. No receipt of the same was obtained from the allottee.

Further states that assured return has been paid uptill September,2019

The counsel for the respondent states that they have send several reminder but the counsel for the complainant states that they have not received any reminder and proof of any delivered offer letters/reminder are ^{not} held on record.



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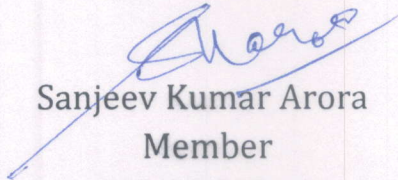
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Arguments heard.

Both the parties may file written submissions in the registry of the authority after supplying a copy to each other within two weeks.

Order reserved.

Matter to come up on 5.7.2024 for pronouncement of orders.


Sanjeev Kumar Arora

Member

12.04.2024