

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

PROCEEDINGS OF THE DAY
27

Day and Date	Wednesday and 19.03.2025
Complaint No.	CR/3499/2023 Case titled as Sunita VS SRV Automotive Private Limited
Complainant	Sunita
Represented through	Ms. Sonali Karwasra Joon Advocate
Respondent	SRV Automotive Private Limited
Respondent Represented through	Shri Amarjeet Kumar Advocate
Last date of hearing	29.01.2025
Proceeding Recorded by	Naresh Kumari and HR Mehta

Proceedings

The present complaint was filed on 01.08.2023 and reply on behalf of the respondent has been filed on 05.02.2025.

Vide proceedings dated 28.02.2024, the defense of the respondent was struck off. An application dated 29.08.2024 has been filed by the counsel for the respondent for recalling the order dated 28.02.2024 and setting aside the ex-parte order dated 01.05.2024 on the ground that the address as well as e-mail ID provided by the complainant does not belong to the respondent. Same was allowed by the Authority on 29.01.2025.

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

Sr. No.	Particulars	Details
1.	Name of the project	"Landmark The Homes 81", Sector 81, Gurugram
2.	Nature of the project	Residential project with commercial complex (Affordable)
3.	Project Area	5 acres
4.	RERA registered/ not registered and validity status	Registered 36 of 2021 dated 16.07.2021 valid up to 01.03.2026



HARERA
GURUGRAM

HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

CR/3499/2023

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5.	DTCP license no. and validity status	04 of 2021 dated 02.3.2021 valid till 01.03.2026
6.	Name of licensee	SRV Automotives Private Limited
7.	Unit no.	C-0403, 4 th floor, tower C (Allotment letter at page 16 of complaint)
8.	Unit admeasuring	645.484 sq. ft. (carpet area) and 143.817 sq. ft. (balcony area) (Allotment letter at page 16 of complaint)
9.	Allotment-cum-demand letter	09.10.2021 (Page 16 of complaint)
10.	Date of execution of buyer's agreement	05.08.2022 (Page 17 of reply)
11.	Possession clause	*Note as per affordable housing policy 2013 "1(iv) All such projects shall be required to be necessarily completed within 4 years from the approval of building plans or grant of environmental clearance, whichever is later. This date shall be referred to as the "date of commencement of project" for the purpose of this policy. The licenses shall not be renewed beyond the said 4 years period from the date of commencement of project."
12.	Date of building plan	01.03.2021 (taken from another file CR/4966/2023 decided on 12.07.2024 of same project)
13.	Date of environment clearance	Not Available
14.	Due date of possession	01.09.2025 (Calculated from the date of approval of building plans along with grace period of 6 months in lieu of Covid)
15.	Total sale consideration	Rs.26,31,936/- (Allotment letter at page 16 of complaint)
16.	Amount paid by the complainant	Rs.11,14,563/- (Including 4-wheeler car parking charges of Rs.4,50,000/-) (As pleaded by complainant at page 5 of complaint- no proof annexed) Or Rs.6,64,563/- (As pleaded by respondent at page 4 of reply- receipt annexed at page 42 of reply)

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17.	Demand/ Reminder Letters sent by respondent to complainant	15.03.2022, 16.08.2022, 30.08.2022, 16.02.2023, Final reminder dated 11.04.2023 (Not annexed) (Page 43, 44, 45 and 46 of reply, respectively)
18.	Publication in newspaper "Dainik Savera Times"	25.04.2023 (Page 47 of reply)
19.	Cancellation notice	20.06.2023 (Page 20 of complaint)
20.	Occupation certificate	Not obtained
21.	Offer of possession	Not offered

The complainant herein is seeking the following relief(s):

1. Direct the respondent to set aside cancellation letter dated 20.06.2023 and restore allotment of complainant in project of respondent with immediate effect.
2. Direct the respondent to adjust payment towards 4-wheeler car parking in payment towards flat and accordingly reverse interest on late payment imposed upon the complainant.
3. Direct the respondent to register BBA with immediate effect.

The counsel for the respondent states that there is no proof of payment of the amount of Rs.4.5Lakhs for car parking as alleged by the complainant and the BBA was executed on 05.08.2022 and a copy of the same has been annexed with the reply. So far as the cancellation is concerned, the same was done in terms of the Affordable Housing Policy.

Heard.

Parties may file written submissions within a period of 2 weeks with an advance copy to each other.

Order reserved.

Matter to come up on 23.04.2025 for pronouncement of order

Ashok Sangwan
Member
19.03.2025