

PROCEEDINGS OF THE DAY
35

Day and Date	Tuesday and 09.07.2024
Complaint No.	CR/3516/2020 Case titled as MUKUL CHANDRA AGARWAL VS VSR INFRATECH PRIVATE LIMITED
Complainant	MUKUL CHANDRA AGARWAL
Represented through	Mohd. Ashaab Advocate
Respondent	VSR INFRATECH PRIVATE LIMITED
Respondent Represented	Ms. Shriya Takkar and Smriti Srivastava Advocates
Last date of hearing	10.04.2024
Proceeding Recorded by	Naresh Kumari and HR Mehta

Proceedings

The present complaint was received on 16.10.2020 and reply was filed by the respondent on 06.04.2023.

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

S.N.	Particulars	Details
1.	Name of the project	"68 Avenue", Sector 68, Gurugram
2.	Project area	3.231 acres
3.	Nature of the project	Commercial Colony
4.	DTCP license no. and validity status	4 of 2012 dated 23.01.2012 valid upto 22.01.2020
5.	Name of licensee	Sh. Yad Ram and Smt. Kalawati
6.	RERA Registered/ not registered	119 of 2017 dated 28.08.2017



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New PWD Rest House, Civil Lines, Gurugram, Haryana

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

7.	RERA registration valid up to	30.06.2018
8.	Unit no.	SA7-58, 7 th floor, Tower A (Page 20 of the complaint)
9.	Unit area admeasuring	734 sq. ft. (Super area)
10.	Space Buyer's Agreement	25.03.2013 (Page 18 of complaint)
11.	Possession clause	31. Possession Time and Compensation <i>"The company will be based on its present plans and estimates contemplates to offer possession of the said unit to the allottee(s) within 36 months of signing of this Agreement or within 36 months from the start of construction of the said building whichever is later with a grace period of 3 months, subject to force majeure events or governmental action/inaction".</i> (As per BBA at page 26 of the complaint)
12.	Due date of possession	25.06.2016 (Calculated to be 36 months from date of agreement i.e., 25.03.2013 excluding grace period of 3 months)
13.	Total sale consideration	Rs. 53,35,072/- (As per BBA at page 21 of the complaint) Rs. 63,31,355/- (As per SOA at page 162 of reply)



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14.	Amount paid by the complainants	Rs. 52,56,400/- (As alleged by complainant at page 7 of complaint) Rs. 52,70,940/- (As per SOA at page 162 of reply)
15.	Occupation certificate /Completion certificate	02.08.2019 (Page 91 of the reply)
16.	Offer of Possession	30.08.2018 (Page 63 of the complaint and page 52 of reply)
17.	Refund Request (e-mail)	18.10.2016 (Page 48 of the complaint)

The complainant has sought the following relief(s):

1. Refund Rs.52,56,400/- along with interest @ 18% p.a.
2. Rs. 20,00,000/- for loss of rentals which occurred due to delay in project delivery.
3. Rs. 20,00,000/- exemplary damages for mental agony and pain and loss of time and money.
4. Rs. 1,10,000/- legal expenses.

The said unit in question of the complainant has been attached by ED under PMLA and no further proceedings in the matter can take place. This information was brought to the notice of the Authority by an application filed by respondent dated 19.10.2023.

During the last hearing dated 31.01.2024, the counsel for the complainant sought time to file reply to application for dismissal of complaint filed by the respondent on the ground that the subject property has been attached under PMLA proceedings by ED.



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On asking of the Authority, whether there is any direction of ED or any other Authority against proceeding in the present matter, the counsel for the respondent states that to the knowledge of the counsel, there are no such orders. However, the counsel for the complainant has not filed any affidavit to that effect with the reply.

The counsel for the complainant states at bar that no formal orders for attachment of the property have been issued.

Arguments heard.

Matter to be heard on merits on 17.09.2024.


Sanjeev Kumar Arora
Member


Ashok Sangwan
Member


Arun Kumar
Chairman
09.07.2024