



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

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PROCEEDINGS OF THE DAY

Day and Date	Tuesday and 28.01.2025
Complaint No.	CR/3751/2023 Case titled as Ashu Tandon VS Aster Infrahome Private Limited
Complainant	Ashu Tandon
Represented through	Shri Lakhan Kumar Mishra Advocate
Respondent	Aster Infrahome Private Limited
Respondent Represented	Ms. Sanya Arora Advocate
Last date of hearing	01.10.2024
Proceeding Recorded by	Naresh Kumari and HR Mehta

Proceedings

The present complaint was filed on 25.08.2023 and the reply on behalf of respondent has been received on 02.11.2023.

On last date of hearing dated 01.10.2024 the respondent stated that the money has been refunded to the bank after cancellation since the complainant has taken loan from the bank on the subject unit. The respondent was directed to submit the proof of the same but till date no such proof has been filed by the respondent.

The succinct facts of the case are as follows:

Sno	Particulars	Details
1.	Name and location of the project	"Green Court", Sector 90, Gurugram, Haryana
2.	Project area	10.125 acres
3.	Nature of Project	Affordable Group housing project
4.	DTCP license no.	61 & 62 of 2014 dated 07.07.2014



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5.	Rera registered/ not registered and validity status	Registered vide no. 137 of 2017 dated 28.08.2017 valid up to 22.01.2020
6.	Unit no.	604, 6 th floor, Tower- M admeasuring 526 sq. ft. (Page no. 17 of the complaint)
7.	Allotment letter	Not annexed
8.	Date of execution of buyer's agreement	18.01.2016 (Page no. 14 of the complaint)
9.	Possession clause	Clause 8(a) Subject to the force major circumstances, intervention of statutory authorities, receipt of occupation certificate and Allottee having timely complied with all its obligations, formalities or documentation, as prescribed by Developer and not being in default under any part hereof, including but not limited to the timely payment of installments of the other charges as per the payment plan, Stamp Duty and registration charges, the Developer proposes to offer possession of the Said Flat to the Allottee within period of 4(four) years from the date of approval of building plans or grant of environment clearance, whichever is later (hereinafter referred to as the "Commencement Date.")
10.	Building plan approvals	22.10.2014 [As mentioned in the buyer's agreement at page 16 of complaint]
11.	Environment clearance	22.01.2016 (As per information obtained by the planning branch)
12.	Occupation certificate	17.11.2022 [pg. 116 of reply]
13.	Basic sale consideration	Rs.21,54,000/- (BSP) Rs.24,03,728/-(TSC) (As per SOA at page no. 38 of the complaint)
14.	Total amount paid	Rs.16,66,216/- (As per SOA at page no. 124 of the reply)
15.	Offer of possession	24.11.2022



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		(As on page 123 of reply)
16.	Reminder letter	12.06.2023, 22.06.2023, 04.07.2023 (Final reminder)
17.	Cancellation letter	22.08.2023 (As on page 129 of reply)
18.	Date of publication	20.07.2023 (Page no. 4 to 7 of the application under order 6 rule 17 of the CPC, 1908)

The complainant is seeking the following reliefs:

1. Direct the respondent to pay interest at the applicable rate on account of delay in offering possession of ₹16,66,216/-.
2. Direct the respondent to waive off all the reasonable and unjustified charges levied by the respondent.
3. Direct the respondent to refund the remaining amount of GST charged from the complainants.
4. Direct the respondent to withdraw the cancellation notice and handover the possession of the flats to the complainant.

Arguments heard.

Order reserved.

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

Matter to come up on 04.03.2025 for pronouncement of order.

Ashok Sangwan
Member

V.1 - 3
Vijay Kumar Goyal
Member
28.01.2025