



HARERA
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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

21

Day and Date	Thursday and 16.05.2024
Complaint No.	CR/3857/2021 Case titled as BEG RAJ AND BALA DEVI VS AGRANTE DEVELOPERS PRIVATE LIMITED
Complainant	BEG RAJ AND BALA DEVI
Represented through	Shri Sunil Jogpal, Advocate
Respondent	AGRANTE DEVELOPERS PRIVATE LIMITED
Respondent Represented	Shri Tarun Biswas, Advocate
Last date of hearing	29.02.2024
Proceeding Recorded by	Naresh Kumari and HR Mehta

Proceedings

The present complaint has been received on 11.10.2021. The reply on behalf of the respondent has been filed on 22.09.2022.

Succinct facts of the case are as under:

S. N.	Particulars	Details
1.	Name of the project	"Kavyam", Sector- 108, Gurgaon (Phase-1)
2.	Nature of project	Affordable group housing
3.	RERA registered/not registered	Registered vide registration no. 23 of 2018 dated 22.11.2018
	Validity status	5 acres
	Licensed area	31.11.2022
4.	DTPC License no.	101 of 2017 dated 30.11.2017
	Validity status	29.11.2022
	Name of licensee	Arvinder Singh & others
	Licensed area	5 acres
5.	Unit no.	510, tower TD



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		[as alleged by the respondent]
6.	Unit area admeasuring	Cannot be ascertained
7.	Application dated	05.02.2019 (As stated by the respondent in the reply on page 2)
8.	Allotment dated	Cannot be ascertained
9.	Total sale consideration	Rs. 20,12,996/- (As stated by the respondent in the reply on page 3 whereas no document has been attached for the same. Hence the same needs clarification)
10.	Amount paid by the complainant	Rs. 99,653/- [as per pg. 38 of complaint]
11.	Possession clause	NA
12.	Possession clause as per Affordable Housing Policy, 2013	1 (iv) All such projects shall be required to be necessarily completed within 4 years from the date of 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 the policy.
13.	Building plan approved on	06.07.2018 [As per project details]
14.	Environment clearance	20.08.2019 [pg. 18 of reply]
15.	Due date of possession	20.08.2023 [calculated as 4 years from date of environmental clearance i.e., 20.08.2019 as the same is later]
16.	Occupation certificate	Not obtained
17.	Offer of possession	Not offered
18.	Surrender by the	29.09.2020, 26.07.2021 Reason – Due to



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complainant	covid the complainant could not gather the funds. (age 39 , 40 of the complaint)
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The counsel for the complainant states that no allotment letter was issued and neither any BBA is executed and the complainant is seeking refund of the amount deposited at the time of booking i.e. Rs.99,653/- as per page 38 of the complaint and the allottee has surrender the unit on 29.9.2020 due to financial hardship in view of the Covid.

The counsel for the respondent states that the respondent is willing to make the refund after deduction of Rs.25,000/- alongwith 3% of the cost of the flat and statutory deductions and thus refundable amount comes to Rs.14,013/- only.

Arguments heard.

Refund is allowed after deduction only as per provision of Affordable Housing Policy, 2013 and balance amount be refunded alongwith interest till the realization of the amount.

Matter stands disposed off. Details orders will follow.

V.1 - 3
Vijay Kumar Goyal
Member
16.05.2024