

**PROCEEDINGS OF THE DAY****40**

Day and Date	Wednesday and 29.05.2024
Complaint No.	CR/3962/2023 Case titled as Anita Devi VS Nani Resorts And Floriculture Private Limited
Complainant	Anita Devi
Represented through	Shri Gaurav Rawat Advocate
Respondent	Nani Resorts And Floriculture Private Limited
Respondent Represented	Shri Garvit Gupta Advocate
Last date of hearing	13.03.2024
Proceeding Recorded by	Naresh Kumari and HR Mehta

**Proceedings**

The present complaint was filed on 25.08.2023 and registered as complaint No. 3962 of 2023. Reply on behalf of the respondent was filed on 26.12.2023.

Succinct facts as per the complaint and the reply are as follows:-

Sr. No.	Particulars	Details
1.	Name of the project	"Rof Alante", Village-Dharampur, Sector-108, Gurugram, Haryana.
2.	Nature of the project	Affordable Group Housing
3.	Area of project	5.0 acres
4.	DTCP license	License no. 43 of 2019 Dated-05.03.2019
5.	RERA Registered	Registered Vide registration no. 75 of 2019



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**HARYANA REAL ESTATE REGULATORY AUTHORITY**  
**GURUGRAM**

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

CR/398/2023

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

		Dated:- 09.12.2019
6.	Environment clearance	06.02.2020
7.	Allotment letter	27.04.2023 (As on page no. 122 of reply)
8.	Unit no.	E-501, Floor-5 <sup>th</sup> , Tower-E (As on page no. 122 of reply)
9.	Unit area	645.743 sq.ft [Carpet area] 121.536 sq.ft. [Balcony Area] Along with one car parking (As on page no. 122 of reply)
10.	Date of execution of buyer's agreement	Not executed
11.	Due date of possession	06.02.2024 [calculated 4 years from date of environmental clearance]
12.	Total sales consideration	Rs.23,04,353/- (As on page no. 90 of reply)
13.	Total amount paid by the complainant	Rs.17,94,653/- (As on page no. 90 of reply)
14.	Occupation certificate	Not obtained
15.	Offer of possession	Not offered
16.	Reminders to pay outstanding amount due	07.12.2022 23.12.2022 (As on page no. 90-95 of reply)
17.	Final reminder	03.01.2023 (As on page no. 96 of reply)

18.	Cancellation letter	Not on record
19.	Demand letter	01.02.2023
20.	Notice towards full and final settlement of account sent by the respondent to the allottee	18.03.2023 (As on page no. 117 of reply)
21.	Newspaper advertisement	22.03.2023

The complainant has sought following relief(s):-

1. Possession.
2. Direct the respondent to execute the BBA.
3. Restrain the respondent from issuing any fresh demand.
4. Direct the respondent not to cancel the allotment.
5. Quash the illegal demand letter dated 20.02.2023.
6. Set aside the cancellation letter dated 19.01.2023.

The counsel for the complainant states that after making the payment of 4 instalments amounting to Rs.17,94,653/- against total consideration of Rs.26,33,475/-, no allotment letter was sent to the complainant nor any BBA was forwarded for execution despite repeated reminders.

The counsel for the respondent states that detailed application form dated 16.12.2019 was signed by both the parties and the same contains all the terms and conditions of allotment including consequences of default in making payment of instalments. He further states that the Affordable Housing Policy is a special dispensation and section 13 of the Act 2016 does not apply. He states that 18 reminders were sent to the complainant to make payment of balance instalments and on account of the failure to pay the same, the unit was cancelled on 18.03.2023 and third party rights were created on 27.04.2023 before the filing of the present complaint.

Complainant present in person states that no such communications were received from the respondent. In fact, a letter dated 02.05.2020 was handed over in the office of the respondent for issue of allotment letter and execution of BBA.



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CR/3962/2023

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Arguments heard.

Order reserved.

Both the parties may file written submissions within a period of 2 weeks with an advance copy to each other. The counsel for the respondent shall clarify the process followed for cancellation of the unit w.r.t the provisions of Affordable Housing Policy.

Matter to come up on **07.08.2024** for pronouncement of order.

Ashok Sangwan  
Member  
29.05.2024