



**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

<b>PROCEEDINGS OF THE DAY</b>		<b>19</b>
Day and Date	Thursday and 09.02.2023	
Complaint No.	CR/4004/2021 Case titled as VANDANA SETHI Vs PAREENA INFRASTRUCTURES PRIVATE LIMITED	
Complainant	VANDANA SETHI	
Represented through	Shri Sukhbir Yadav Advocate	
Respondent	PAREENA INFRASTRUCTURES PRIVATE LIMITED	
Respondent Represented	Shri Prashant Sheoran Advocate	
Last date of hearing	09.11.2022	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

### **Proceedings**

The present complaint has been received on 08.10.2021 and the reply on behalf of respondent was received on 17.11.2021. The complainant filed CRA on 31.05.2022.

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

<b>S.N.</b>	<b>Particulars</b>	<b>Details</b>
1.	Name and location of the project	"Coban Residences", sector-99 <sup>a</sup> , Gurgaon
2.	Nature of the project	Group Housing Project
3.	Project area	10.5875 acres
4.	DTCP license no.	10 of 2013 dated 12.03.2013 valid up to 11.06.2024
5.	Name of licensee	Monex Infrastructure Pvt. Ltd.
6.	RERA Registered/ not registered	<b>Registered</b> Vide no. 35 of 2020 issued on 16.10.2020 valid up to 11.03.2022 + 6 months = 11.09.2024
7.	Unit no.	302, 3 <sup>rd</sup> Floor, Tower. T-3 [Page 34 of complaint]



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CR/1004/2021

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8.	Unit admeasuring area	1997 sq. ft. of super area [Page 34 of complaint]
9.	Allotment letter	20.11.2013 [Page 30 of complaint]
10.	Date of builder buyer agreement	06.04.2014 [Page 32 of complaint]
11.	Possession clause	<i>3.1 That the developer shall, under normal conditions, subject to force majeure, complete construction of Tower/Building in which the said flat is to be located with 4 years of the start of construction or execution of this Agreement whichever is later, as per the said plans.....</i> <b>Emphasis supplied....</b>
12.	Date of start of construction	16.10.2014 [as per demand letter dated 05.01.2021 page 72 of complaint]
13.	Due date of possession	16.10.2018 [Calculated from start of construction i.e. 16.10.2014]
14.	Total sale consideration	Rs. 1,22,45,618/- [as per schedule pf payment page 49 of complaint]
15.	Total amount paid by the complainant	Rs. 62,14,028/- [as per demand letter dated 05.01.2021 page 72 of complaint]
16.	Occupation certificate	Obtained on <b>13.12.2022 only</b>
17.	Offer of Possession	Not offered

The counsel for the complainant states that the OC has been received by the respondent only on 13.12.2022 i.e. after filing of the complaint as well as filing of the reply while due date of handing over of possession was 16.10.2018. The complainant allottee is not interested in continuing in project and is seeking refund after 3 years from the due date is over as allottee cannot be expected to wait endlessly and seeking the statutory right under section 18 (1) of the Act of refund alongwith interest at the prescribed rate.



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21/02/2023

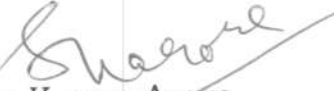
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Arguments heard.

Refund is allowed alongwith interest at the prescribed rate.

Matter stands disposed off. Detailed order will follow. File be consigned to the registry.

  
Sanjeev Kumar Arora  
Member

  
Vijay Kumar Goyal  
Member  
09.02.2023