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HARYANA REAL ESTATE REGULATORY AUTHORITY
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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		13
Day and Date	Thursday and 09.02.2023	
Complaint No.	CR/4158/2021 Case titled as RAJ PAL SINGH DUGGAL Vs PAREENA INFRASTRUCTURES PRIVATE LIMITED	
Complainant	RAJ PAL SINGH DUGGAL	
Represented through	Mohd. Sharique Hussain Advocate	
Respondent	PAREENA INFRASTRUCTURES PRIVATE LIMITED	
Respondent Represented	Shri Prashant Sheoran Advocate for R1 Shri Gaurav Dua Adv. for respondent No2	
Last date of hearing	09.11.2022	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings

The present complaint has been received on 12.10.2021 and the reply on behalf of respondents was received on 25.11.2021.

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

S.N.	Particulars	Details
1.	Name and location of the project	"Micasa", sector-68, Gurgaon
2.	Nature of the project	Group Housing Project
3.	Project area	12.25085 acres
4.	DTCP license no.	111 of 2013 dated 30.12.2013 valid up to 12.08.2024 (area 10.12 acre) 92 of 2014 dated 13.08.2014 valid up to 12.08.2019 (area 0.64 acre) 94 of 2014 dated 13.04.2014 valid up to 12.08.2024 (area 2.73 acre)



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5.	RERA Registered/ not registered	Registered vide no. 99 of 2017 issued on 28.08.2017 up to 30.06.2022
6.	Unit no.	1403, tower 5, 14 th floor (page 43 of complaint)
7.	Unit admeasuring area	1245 sq. ft. of super area
8.	Allotment letter	25.09.2015 (page 12 of complaint)
9.	Date of builder buyer agreement	05.12.2017 (page 37 of complaint)
10.	Date of Start of construction	N/A
11.	MoU between the allottee and the builder	15.03.2018 (page 110 of complaint)
12.	Tripartite Agreement between the parties to the complaint	01.05.2018
13.	Possession clause	13. Completion of project <i>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 within 4 years of the start of construction or execution of this agreement, whichever is later. (Emphasis supplied)</i>
14.	Due date of possession	05.12.2021 *Note: Date of construction is not given in file. So, due date is calculated from the date of execution of BBA.
15.	Total sale consideration	87,43,305/- (page 65 of complaint)
16.	Total amount paid by the complainant	14,07,500/- + 29,66,262/- (amount released by respondent no.2 "Indiabulls Housing Finance Ltd." in favor of respondent no.1 under the subvention payment plan)
	Loan availed by Indiabulls Housing Finance Ltd.	70,00,000/-



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17.	Occupation certificate	N/A
18.	Offer of possession	N/A

The counsel for the complainant states that down payment of Rs.14,07,500/- was paid by the complainant and an amount of Rs. 29,66,262/- was paid by the Indiabulls Housing Finance Ltd. in favour of respondent No.1 under the subvention payment plan and the respondent was required to pay pre-EMI as per tripartite agreement. But due to non-payment of pre-EMI by the respondent, the financial institution initiated NPA proceedings under SURFASI Act.

The counsel for the respondent states that the pre-EMI were paid till October, 2020 and were later on stopped on request of the allottee vide letter dated 12.10.2020 (Annexure R-4). But no cancellation has been made till date, although the OC has been obtained from the competent authority and if the complainant allottee is interested in taking the possession, the same shall be considered subject to payment of outstanding amount alongwith interest and adjustment of DPC shall also be made.

But the counsel for the complainant states that the allottee is not interested in continuing in the project and is seeking refund of the deposited amount and adjustment of the amount paid to the financial institution. The allottee has been seeking refund before the due date of handing over of possession.

Both the counsels are directed to submit written submissions within 15 days with an advance copy to each other.

Arguments heard.

Order reserved.

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


Sanjeev Kumar Arora
Member


Vijay Kumar Goyal
Member
09.02.2023