



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. सी. विभाग गृह, सिविल लाईंस, गुरुग्राम, हरियाणा

PROCEEDINGS OF THE DAY		6
Day and Date	Thursday and 22.02.2024	
Complaint No.	CR/4333/2021 Case titled as RAKESH RAYOO VS ANSAL HOUSING AND CONSTRUCTION LIMITED	
Complainant	RAKESH RAYOO	
Represented through	Shri E Krishna Dass, Advocate	
Respondent	ANSAL HOUSING AND CONSTRUCTION LIMITED	
Respondent Represented	None	
Last date of hearing	8.2.2024	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings

The present complaint was filed on 29.10.2021 and the reply on behalf of respondent has been received on 26.07.2022. Vide order dated 28.09.2023, the present complaint was dismissed in default for none appearance of the complainant and the same was restored on 14.12.2023.

The succinct facts of the case are as follows:

Sr. No.	Particulars	Details
1.	Name of the project	"Ansal Hub 83 Boulevard", Sector-83, Gurugram
2.	Total area of the project	2.60 acres
3.	Nature of the project	Commercial complex part of residential colony
4.	DTCP license no.	113 of 2008 dated 01.06.2008 valid up to and 71 of 2010 dated 15.09.20210 valid up to
5.	Name of licensee	Buzz Estate Pvt. Ltd. & others.
6.	Registered/not registered	Registered vide no. 09 of 2018 dated 08.01.2018 for 2.80 acres Valid up to 31.12.2020
7.	Unit no.	F-039



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		[pg. 15 of complaint]
8.	Area of the unit	452 sq. ft. [pg. 15 of complaint]
9.	Date of execution of agreement	28.01.2016 [pg. 11 of complaint]
10.	Possession clause	30 <i>The developer shall offer possession of the unit any time, within a period of 42 months from the date of execution of the agreement or within 42 months from the date of obtaining all the required sanctions and approval necessary for commencement of construction, whichever is later subject to timely payment of all dues by buyer and subject to force majeure circumstances as described in clause 31. Further, there shall be a grace period of 6 months allowed to the developer over and above the period of 42 months as above in offering the possession of the unit.</i> (Emphasis supplied) [page 22 of complaint]
11.	Due date of possession	28.01.2020 (Note: 42 months from date of agreement i.e., 28.01.2016 as the date of commencement of construction is not known + 6 months grace period allowed being unqualified)
12.	Delay in handing over possession till the date of filing of this complaint i.e., 29.10.2021	1 year 9 months 1 day
13.	Basic sale consideration as per payment plan annexed with BBA at page 31 of complaint	₹ 51,65,487.64/-
14.	Total amount paid by the complainant as per sum of receipts	₹ 16,31,964/-
15.	Offer of possession	Not offered
16.	Occupation certificate	Not obtained

The complainant is seeking refund of the entire amount paid by the complainant alongwith interest.



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CR/4333/2021

New PWD Rest House, Civil Lines, Gurugram, Haryana

नया पी. डब्ल्यू. डी. विभाग गृह, सिविल लाईन, गुरुग्राम, हरियाणा

On the last date of hearing (i.e. 08.02.2024), the proxy counsel for respondent had requested for the adjournment as the main counsel is not available, and today none is present on behalf of the respondent. The reply of the respondent company is already on record.

The complainant has filed the copies of the receipts of the payment. The project is not yet completed and the complainant does not see any hope of its completion in near future and hence seeking refund of the deposited amount alongwith interest from the date of deposit till its realization of the amount at the rate prescribed under the Act, 2016.

In view of the above, full refund is allowed alongwith prescribed rate of interest @ 10.85% p.a. from the date of deposit till its realization.

Detailed orders will follow.

v.l - 3
Vijay Kumar Goyal
Member
22.02.2024