



**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

| PROCEEDINGS OF THE DAY |                                                                                                          | 19 |
|------------------------|----------------------------------------------------------------------------------------------------------|----|
| Day and Date           | Thursday and 24.04.2025                                                                                  |    |
| Complaint No.          | CR/4444/2023 Case titled as Skynet Enterprises Private Limited VS Pareena Infrastructure Private Limited |    |
| Complainant            | Skynet Enterprises Private Limited                                                                       |    |
| Represented through    | Shri Charan Singh Verma Advocate                                                                         |    |
| Respondent             | Pareena Infrastructure Private Limited                                                                   |    |
| Respondent Represented | Shri Prashant Sheoran Advocate                                                                           |    |
| Last date of hearing   | 16.01.2025                                                                                               |    |
| Proceeding Recorded by | Naresh Kumari and HR Mehta                                                                               |    |

### Proceedings

The present complaint was received on 27.09.2023 and registered as complaint no. 4444 of 2023 and reply on behalf of respondent was filed on 20.03.2024. The counsel for the complainant filed rejoinder on 11.07.2024.

On last date of hearing (i.e., 24.10.2024), the counsel for the respondent states at bar that the respondent has made a refund of **Rs.41,98,044/-** through RTGS and is duly acknowledged by the counsel of the complainant and the counsel for the complainant states that the amount paid is without interest and undue deductions have been made.

On last date of hearing (i.e., 24.10.2024), both the counsels were given an opportunity to file written submissions within 3 weeks after supplying a copy to each other.

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

| S. No. | Particulars                      | Details                                  |
|--------|----------------------------------|------------------------------------------|
| 1.     | Name and location of the project | "Coban Residences", Sector-99A, Gurugram |
| 2.     | Nature of the project            | Group Housing Complex                    |
| 3.     | Project area                     | 10.5875 acres                            |



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*CR/444/2023*

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|     |                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|-----|--------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 4.  | DTCP license no.                                 | 10 of 2013 dated 12.03.2013 valid up to 11.03.2024                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 5.  | Name of licensee                                 | Monex Infrastructure Pvt. Ltd.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 6.  | RERA Registered or not registered                | <b>Registered</b><br>GGM/419/151/2020/35 dated 16.10.2020<br>Valid up to 11.03.2024                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 7.  | Unit no. and floor no.                           | 1503 and 15 <sup>th</sup> floor and Tower-1<br>(As per page no. 59 of the complaint)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 8.  | Unit area admeasuring                            | 2352 sq. ft. (Super area)<br>(As per page no. 59 of the complaint)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 9.  | Provisional allotment letter                     | 22.11.2013<br>(As per page no. 53 of the complaint)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 10. | Date of execution of apartment buyer's agreement | 10.12.2013<br>(As per page no. 57 of the complaint)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 11. | Date of start of construction                    | 16.10.2014<br>(As per page no. 98 of the complaint)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 12. | Possession clause                                | <b>3.1</b><br><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, as per the said plans and specifications seen and accepted by the Flat Allottee.....</i><br><b>and</b><br><b>5.1</b><br><i>In case within a period as provided hereinabove, further extended by a period of 6(six) months if so required by the developer, the developer is unable to complete construction of the said flat as provided hereinabove (subject to force majeure conditions) to the flat allottee(s), who have made payments as required for in this agreement, then the flat allottee(s)</i> |





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|     |                                                  |                                                                                                                                                                                                                                                                                                                                                                                                     |
|-----|--------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|     |                                                  | shall be entitled to the payment of compensation for delay at the rate of Rs. 5/- per sq. ft. per month of the super area till the date of notice of possession as provided hereinabove in this agreement. The flat allottee(s) shall have no other claim against the developer in respect of the said flat and parking space under this agreement.<br>(As per page no. 70 and 73 of the complaint) |
| 13. | Due date of possession                           | 16.10.2018<br>(Note: Due date to be calculated 4 years from the date of start of construction i.e., 16.10.2014 being later.)                                                                                                                                                                                                                                                                        |
| 14. | Payment Plan                                     | Construction linked payment plan<br>(As per page no. 82 of the complaint)                                                                                                                                                                                                                                                                                                                           |
| 15. | Total sale consideration                         | Rs.1,44,37,584/-<br>(As per summary of payments on page no. 82 of the complaint)                                                                                                                                                                                                                                                                                                                    |
| 16. | Amount paid by the complainant                   | Rs.62,39,752/-<br>(As mentioned in the offer of possession at page 165 of complaint and the cancellation letter dated 13.05.2023 page no. 173 of the complaint)                                                                                                                                                                                                                                     |
| 17. | Reminder letters                                 | 16.07.2016, 24.01.2017 & 29.01.2021                                                                                                                                                                                                                                                                                                                                                                 |
| 18. | 1 <sup>st</sup> Request for refund through email | 05.07.2016<br>(As per page no. 99 & 100 of the complaint)                                                                                                                                                                                                                                                                                                                                           |
| 19. | Request for refund                               | 12.01.2017<br>(As per page no. 103 of the complaint)                                                                                                                                                                                                                                                                                                                                                |
| 20. | Legal notice for refund of the paid-up amount    | 24.01.2018<br>(As per page no. 109 of the complaint)                                                                                                                                                                                                                                                                                                                                                |
| 21. | Occupation certificate                           | 13.12.2022<br>(As per page no. 44 of the reply)                                                                                                                                                                                                                                                                                                                                                     |
| 22. | Offer of possession                              | 14.12.2022<br>(As per page no. 163 of the complaint)                                                                                                                                                                                                                                                                                                                                                |



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|     |                                                                                         |                                                      |
|-----|-----------------------------------------------------------------------------------------|------------------------------------------------------|
| 23. | Cancellation letter<br>(due to non-payment of<br>outstanding dues of<br>Rs.85,80,210/-) | 13.05.2023<br>(As per page no. 173 of the complaint) |
| 24. | Legal notice cum reply to<br>the cancellation letter                                    | 24.05.2023<br>(As per page no. 176 of the complaint) |

The counsel for the complainant is seeking refund of the deposited amount with interest.

The counsel for the respondent requests that since the project is completed, occupation certificate is obtained in 2022 and after this offer of possession was issued and, in the year, 2023, the unit of the complainant is cancelled on account of non-payment of outstanding dues. Further states that the GST amount may also be deducted besides 10% earnest money as GST is not recoverable post completion of the project.

However, the counsel for the complainant states that refund request made in the year 2016 followed by reminder on 12.01.2017 and legal notice on 24.01.2018 and hence there was no purpose in offering the possession and subsequent cancellation, therefore no deduction may be allowed in view of the judgment passed by NCDRC (a copy of order is annexed with written submissions).

Arguments heard.

In view of the above, the respondent is directed to refund the paid-up amount after deduction of 10% earnest money along with prescribed rate of interest i.e., 11.10% from the date of request for refund made by the complainant via email dated i.e., 05.07.2016 till its realization. The amount of Rs.41,98,044/- already refunded vide RTGS dated 14.08.2024 be also adjusted from the above refundable amount.

Detailed order will follow. Matter stands disposed of.

V. /   
Vijay Kumar Goyal  
Member  
24.04.2025