



HARERA
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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		40
Day and Date	Thursday and 13.02.2025	
Complaint No.	CR/449/2024 Case titled as Sumitra Yadav VS Ocean Seven Buildtech Private Limited	
Complainant	Sumitra Yadav	
Represented through	Shri Jasmeet Singh Advocate	
Respondent	Ocean Seven Buildtech Private Limited	
Respondent Represented	Shri Arun Yadav Advocate	
Last date of hearing	02.01.2025	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings

The present complaint was filed on 09.02.2024 and registered as complaint No. 449 of 2024 and reply was received on 11.09.2024.

On last date of hearing (i.e., 02.01.2025), the counsel for the complainant request for short adjournment to file registered Will executed by original allottee in favor of complainant (being legal heirs of original allottee).

The counsel for the complainant has submitted a certified copy of registered Will during the proceedings which is taken on record.

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

S.No.	Particulars	Details
1.	Name and location of the project	"The Venetian" at sector-70, Gurgaon, Haryana
2.	Nature of the project	Affordable group housing
3.	Project area	5.10 acres
4.	DTCP license no.	103 of 2019 dated 05.09.2019 Valid up to 04.09.2024
5.	RERA Registered/ not	Registered



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	registered	vide no. 39 of 2020 dated 27.10.2020 valid up to 02.09.2024
6.	Unit no.	1304, Tower-2 (type-2) (As per page no.42 of the complaint)
7.	Unit area admeasuring	556.280 sq. ft. (Carpet area) & 90 sq. ft. (balcony area) (As per page no.42 of the complaint)
8.	Application form	21.12.2020 (as per page no.26 of complaint)
9.	Date of allotment	09.03.2021 (As per page no.42 of the complaint)
10.	Date of apartment buyer's agreement	Not executed
11.	Date of approval of building plan	07.02.2020 (As per DTCP official website)
12.	Date of environmental clearance	Not obtained (as submitted by counsel for respondent during the proceedings)
13.	Payment plan	Time linked payment plan
14.	Possession clause as per buyer's agreement	Not provided
15.	Possession Clause (as per affordable housing policy, 2013)	1(IV) of the Affordable Housing Policy, 2013 <i>All such projects shall be required to be necessarily completed within 4 years from the approval of building plans or grant of environmental clearance, whichever is later. This date shall be referred to as the "date of commencement of project" for the purpose of this policy. The licenses shall not be renewed beyond the said 4 years period from the date of commencement of project.</i>
16.	Due date of possession	Cannot be ascertained
17.	Total sale consideration	Rs.22,70,120/-



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		(As mentioned in application form at page no.32 of the complaint)
18.	Amount paid by the complainant	Rs.8,59,811/- (As per payment receipt and details provided at page no.44-47 of complaint)
19.	Occupation certificate	Not obtained
20.	Offer of possession	Not offered
21.	Demised of Original allottee (Sumitra Yadav)	13.10.2022 (as mentioned in email dated 06.01.2023 at page no.51 of complaint)
22.	Request for refund (due to death of original allottee)	06.01.2023 (as mentioned in email dated 06.01.2023 at page no.51 of complaint)

The counsel for the complainant that the complainant has already paid an amount of Rs.8,59,811/- against the total sale consideration of Rs.22,70,120/- way back in 2021. However, till today environmental clearance was not granted to the respondent by the concerned authority. And hence, the complainant is willing to withdraw from the project and requests for refund.

The counsel for the respondent states that the complainant is not an allottee and is one of the legal heir's of the original allottee, and no document with respect to legal heir certificate is being place on record and hence complainant is not entitle for any relief sought.

On this, the counsel for complainant states the present complainant is entitle to claim relief, as a registered Will was made by the original allottee (i.e., Sumitra Yadav) and as per that registered Will, all moveable and immovable property in my name (i.e., Sumitra Yadav) is being automatically transferred in favor of the complainant (i.e., Satya Narayan). The complaint is being filed through its legal heir in terms of registered Will and the relief sough in present complaint are maintainable

Arguments heard

In view of the above, the respondent is directed to refund the entire paid-up amount of Rs.8,59,811/- received by it from the complainant as per clause 5(iii)(b) of Affordable Housing Policy, 2013 as amended by the State



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Government on 22.07.2015, along with prescribed rate of interest i.e., 11.10% per annum under Rule 15 of the Haryana Real Estate (Regulation and Development) Rules, 2017 from the date of each payment till its realization.

Matter stands disposed off. Detailed order will follow.


Vijay Kumar Goyal
Member
13.02.2025