

PROCEEDINGS OF THE DAY		20
Day and Date	Thursday and 19.10.2023	
Complaint No.	CR/4656/2022 Case titled as Sandeep Dhiman V/s PAREENA INFRASTRUCTURES PRIVATE LIMITED	
Complainant	Sandeep Dhiman	
Represented through	Shri Raj Shrivastav, Advocate	
Respondent	PAREENA INFRASTRUCTURES PRIVATE LIMITED	
Respondent Represented through	Shri Prashant Sheoran, Advocate	
Last date of hearing	8.8.2023	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings

The present complaint was filed on 27.06.2022 and registered as complaint No. 4656 of 2022 and reply is received on 19.10.2022.

The succinct facts of the case are as follows:

S. No.	Particulars	Details
1.	Name and location of the project	"Laxmi Apartments", Sector-99A, Gurugram
2.	Nature of the project	Affordable Group Housing
3.	Project area	10.5875 acres
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	Registered and dated GGM/419/151/2020/335 dated 16.10.2020 valid up to 11.03.2024
7.	Unit no. and floor no.	707 and 7 th floor and Tower-3 (As per page no. 22 of the complaint)



HARERA
GURUGRAM

HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा भू-संपदा विनियमक प्राधिकरण, गुरुग्राम

CR/4652/2022

New PWD Rest House, Civil Lines, Gurugram, Haryana

नया पी. डब्ल्यू. डी. विश्राम गृह, सिविल लाईंस, गुरुग्राम, हरियाणा

8.	Unit area admeasuring	424.833sq.ft. (Carpet area) (As per page no. 22 of the complaint)
9.	Date of execution of apartment buyer's agreement	18.01.2016 (As per page no. 21 of the complaint)
10.	Possession clause	8.1 EXPECTED TIME FOR HANDING OVER POSSESSION <i>Except where any delay is caused on account of reasons expressly provided for under this agreement and other situations beyond the reasonable control of the company and the subject to the company having obtained the occupation/completion certificate from the competent authority(ies), the company shall endeavour to complete the construction and handover the possession of the said apartment within a period of 4 years from the date of grant of environmental clearance or within 4 years from the date of grant of sanction of building plans for the project, whichever is later, subject to timely payment by the allottee of all the amounts payable under this agreement and performance by the allottee of all other obligations hereunder.</i> (As per page no. 33 of the complaint)
11.	Date of Environment Clearance	15.03.2016 (As per page no. 28 of the reply)
12.	Due date of possession	15.09.2020 (Note: Due date to be calculated 4 years from the date of environment clearance i.e., 15.03.2016.) (Grace period of 6 months allowed)
13.	Payment Plan	Time linked payment plan (As per page no. 44 of the complaint)
14.	Total sale consideration	Rs. 17,49,330/-

		(As per page no. 25 of the complaint)
15.	Amount paid by the complainant	Rs. 15,65,651/- (As alleged by the complainant on page no. 55 of the complaint)
16.	Occupation Certificate/ completion certificate	09.07.2021 (As per page no.46 of the complaint)
17.	Offer of possession	16.07.2021 (As per page no. 225 of the reply)

The complainants are seeking refund with interest.

The counsel for the respondent states that similar matters have already been decided by the authority . However, regarding levy of labour cess from the complainant, the copies of orders passed by the Hon'ble NCDRC and Hon'ble Supreme Court, are being placed on record wherein levy of labour cess from the allottees have been allowed and hence requests for similar relief in the above case alongwith six months grace period for Covid-2019.

The occupation certificate of the unit has already been obtained on 9.7.2021 and offer of possession has been made on 16.7.2021. The counsel for the complainant will seek instructions from the complainant, if he wish to continue in the project instead of seeking refund of the deposited amount, if so, an application for amendment of relief shall be filed in the registry after supplying a copy to the counsel for the respondent, within a period of 15 days.

Matter to come up on 21.12.2023 for further proceedings.

V.I - 3
 Vijay Kumar Goyal
 Member
 19.10.2023