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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		52
Day and Date	Tuesday and 09.05.2023	
Complaint No.	CR/4682/2022 Case titled as Sandhya Balwada Arora Vs IMPERIA WISHFIELD PRIVATE LIMITED	
Complainant	Sandhya Balwada Arora	
Represented through	Shri Sameer Tripathi Advocate	
Respondent	IMPERIA WISHFIELD PRIVATE LIMITED	
Respondent Represented	Ms. Antara Mishra Advocate	
Last date of hearing	20.12.2022	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings

The counsel for the complainant states that the complainant had booked the unit in July 2012 and BBA was executed on 31.03.2014 and the due date of possession was 31.03.2019 and the complainant has paid a sum of Rs. 29,52,278/- against a total sale consideration of Rs. 34,45,756/-. The OC of the project has not been received so far. Hence, seeking refund.

The counsel for the respondent states that undoubtedly there is a delay in handing over the possession of the unit and OC has still not been obtained.

The counsel for the respondent states that an application for impleadment of M/s Prime IT Solutions Pvt. Ltd. has been made on the grounds that the present respondent company has been created as a joint venture between the respondent and M/s Prime IT Solutions Pvt. Ltd. for the purpose of this project. A compromise decree was passed on 12.01.2016 in the Gurugram Civil Court between the two entities.

The counsel for the complainant states that this matter has already been decided in CR No. 4942 of 2020 decided on 14.12.2022 in case titled as Kishore Kumar Bhimwal versus Imperia Wishfield Pvt. Ltd. He further states that the BBA was signed between the complainant and the present



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CRJ 4682/2022

New PWD Rest House, Civil Lines, Gurugram, Haryana

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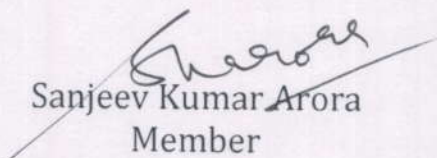
respondent who was duly authorized to sign the same. Further, the plaintiff cannot be bound to implead another party against his will. The amount of the consideration paid by the complainant was to M/s Imperia Wishfield Pvt. Ltd. Therefore, the application for impleadment may be declined.


Arguments for impleadment of M/s Prime IT Solutions Pvt. Ltd. heard. The application is declined since the BBA was signed between the complainant and the respondent and the complete amount of consideration was paid by the complainant to the respondent who is M/s Imperia Wishfield Pvt. Ltd. Further, the complainant was not privy to the compromise agreement between the respondent and M/s Prime IT Solutions Pvt. Ltd. The respondent cannot shy away from its responsibility w.r.t the obligation towards the complainant.

Arguments heard in main complaint.

Full refund is allowed at the prescribed rate of interest i.e. 10.70% per annum from the date of deposit of the amount till its realization.

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


Sanjeev Kumar Arora
Member


Ashok Sangwan
Member
09.05.2023