



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

24

Day and Date	Thursday and 18.05.2023
Complaint No.	CR/474/2022 Case titled as Ms. Reena Vs Imperia Structure Limited
Complainant	Ms. Reena
Represented through	Shri Rahul Bhardwaj Advocate
Respondent	Imperia Structure Limited
Respondent Represented	Ms. Antra Mishra Advocate
Last date of hearing	06.04.2023
Proceeding Recorded by	Naresh Kumari and HR Mehta

Proceedings

The present complaint was filed on 22.02.2022 and the reply on behalf of respondent has received on 18.04.2023.

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

S. N.	Particulars	Details
1.	Name and location of the project	"MindSpace" at sector 62, Golf Course Road, Gurgaon, Haryana
2.	Nature of the project	IT Park Colony
3.	Project area	8.35625 acres
4.	DTCP license no.	86 of 2010 dated 23.10.2010 valid upto 22.10.2020
5.	Name of licensee	Bakir Real Estate Pvt. Ltd. and others
6.	RERA Registered/ not registered	240 of 2017 dated 25.09.2017 valid upto 31.12.2020
7.	Unit no.	Virtual Space



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CR/474/2022

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8.	Unit area admeasuring	250 sq. ft. (page no. 28 of complaint)
10.	Date of MOU	07.09.2011 (page no. 26 of complaint)
11.	Approval of building plans	04.12.2015 (as alleged by respondent)
12.	Assured Return Clause	4. That the Developer will pay Rs. 60 per sq. ft. per month on 250 sq. ft. as an assured return to the allottee from 01.09.2011 till offer of possession of the space. Thereafter the developer shall pay Rs. 50 per sq. ft. per month on 250 sq. ft. as assured rental till the offered space is leased out to intended lessee. The developer has represented to the Allottee that the said unit shall be handed over by the Developer to the Allottee but in event of Virtual Space the Space will be registered in favor of Allottee and handed over to the lessee within a maximum period of 2 years after approval of building plans of the said project from competent authorities of the Said Project subject to force majeure. That he Allottee hereby agrees accepts and confirms the authority and power of the Developer for any variation or change in the location or area of the Said Unit allotted to him and that the allotment is provisional.
13.	Due date of possession	04.12.2017 (calculated from the date of approval of building plans)
14.	Total sale consideration	Rs. 15,00,000/- [page no. 28 of complaint]

An Authority constituted under section 20 the Real Estate (Regulation and Development) Act, 2016

भू-संपदा (विनियमन और विकास) अधिनियम, 2016 की धारा 20 के अंतर्गत गठित प्राधिकरण



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हरियाणा भू-संपदा विनियामक प्राधिकरण (गुरुग्राम)

CR/174/2022

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

15.	Amount paid by the complainant	Rs. 15,00,000/-
16.	Offer of possession for fit out	10.07.2019
17.	Occupation certificate	02.06.2020 for tower C

The counsel for the complainant states that as per MoU executed on 07.09.2011 the respondent was required to pay assured return at the rate of Rs.60/- per sq. ft per month on 250 sq. ft area from 01.09.2011 till offer of possession and Rs.50/- per sq. ft. per month till leasing out of the unit after offer but till date neither any offer of possession has been made nor any amount of assured return has been paid and hence requests for directing the respondent to pay assured return alongwith interest or delayed possession charges whichever is higher as per view taken by the authority in various cases.

The counsel for the respondent states during the proceedings as well as as per submissions in the reply that assured return has been paid to the complainant from 2011 till March 2019 at the rate of Rs.50/- per sq. ft. per month and details of its payment shall be filed within 2 weeks. Further it is not clear as to whether the OC in respect of unit has been received or not as OC in respect of tower-C has been received on 02.06.2020 but it is not clear as to whether the unit of allottee is proposed in the same tower or not which be clarified alongwith status and schedule of possession or putting on lease.

Both the counsels to submit written submissions within a period of 15 days with an advance copy to each other.

Matter to come up on 26.09.2023 for further proceedings.

Vijay Kumar Goyal
Member
18.05.2023