

PROCEEDINGS OF THE DAY
21

Day and Date	Friday and 25.07.2025
Complaint No.	CR/4874/2023 Case titled as Pavan Dutta VS Sweta Estate Private Limited
Complainant	Pavan Dutta
Represented through	Shri Vibhor Sharma Advocate
Respondent	Sweta Estate Private Limited
Respondent Represented through	Shri Dharmender Sehrawat Advocate
Last date of hearing	28.03.2025
Proceeding Recorded by	Naresh Kumari and HR Mehta

Proceedings

The present complaint was filed on 03.11.2023 and the reply on behalf of respondent was received on 23.02.2024.

The respondent has filed an application for rejection of complaint along with the reply stating that the present complaint is barred by limitation as the complaint has been filed 9 years of obtaining occupation certificate on 05.09.2014.

The reply to the said application has been filed by the complainant on 24.07.2024 stating that he has not received any amount/cheque from the respondent till date.

Succinct facts of the case are as under:

S. No.	Particulars	Details
1.	Project name and location	Belgravia in Central Park -II, Sector 48, Gurugram Haryana
2.	Project area	47.661 acres
3.	Nature of project	Residential
4.	RERA registered/not registered	GGM/379/111/2019/73 dated 23.12.2019
5.	DTPC license no. & validity status	Not mentioned

6.	Date of execution of Apartment buyer agreement	03.12.2011 (page 20 of complaint)
7.	Unit No.	Flat no. 1C, 1 st floor in the Belgravia Tower no. 19, located on Plot no.19 [Page 22 of complaint]
8.	Unit area admeasuring	2590 Sq. Ft. [Page 22 of complaint]
9.	Possession clause	Clause 9.1 of BBA <i>..... The company contemplates to complete construction of the apartment and handover the possession thereof to buyer within 18 months from the execution of this agreement.</i> [Page 25 of complaint]
10.	Due date of Possession	03.06.2013
11.	Basic sale consideration	₹ 1,24,32,000/- [Page 21 of complaint]
12.	Total amount paid by the complainant	₹ 46,74,513/- [As alleged by the complainant, page 16 of complaint]
13.	Cancellation letter	19.05.2015 [Page 75 of reply]
14.	Letter sent by respondent along with cheque of ₹22,85,763/- after deduction EMD of Rs. 15,00,000/- and	11.12.2015 [Page 76-77 of reply]



HARERA
GURUGRAM

HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

CR/48 74/2023

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

	Rs. 10,06,201/- for brokerage charges paid by company.	
15.	Occupation Certificate	05.09.2014 [As alleged by the respondent in reply, No document on record for OC]
16.	Offer of Possession	22.09.2014 [Page 66 of reply]

The complainant is seeking possession of the unit with interest.

The counsel for the respondent has supplied a copy of occupation certification to the counsel for the complainant during proceedings and a copy of the same is placed on the record today.

The counsel for the respondent states that unit stands terminated way back in the year 2015 and the OC of the unit is also obtained on 15.09.2014 (copy placed on record). The unit has been subsequently allotted to a third party and in whose favor CD is also executed and hence unit is not available. More-over the complaint is not maintainable at this belated stage and is placing on record copies of 3 orders passed by the authority in CR Mo. 242 of 2018, CR No.6802 of 2019 and CR No.31 of 2021. Further the complainant has not disclosed the fact of another criminal complaint filed before the Hon'ble JMIC Court.

The counsel for the complainant states that the complainant allottee was always willing to make payment which was not accepted. More over the project is not yet complete and CC is not yet obtained and there were talks of buy back were held in the year 2018 and copy of agreement was shared and hence the complaint is maintainable. The counsel shall be filing written submissions on the issue of maintainability within 15 days with an advance copy to the respondent.

Matter to come up on 22.08.2025 for final arguments/order on maintainability.

V.I. 3
Vijay Kumar Goyal
Member
25.07.2025