

<b>PROCEEDINGS OF THE DAY</b>		<b>96</b>
Day and Date	Tuesday and 27.05.2025	
Complaint No.	CR/4916/2022 Case titled as Dr. Lt. Col. Binny Kohli VS Neo Developers Private Limited	
Complainant	Dr. Lt. Col. Binny Kohli	
Represented through	Ms. Sapna Malik Advocate	
Respondent	Neo Developers Private Limited	
Respondent Represented	Shri Vikas Advocate	
Last date of hearing	25.03.2025	
Proceeding Recorded by	Naresh Kumari and HR Mehta	
<b>Proceedings</b>		
The present complaint was received on 09.08.2022 and reply on behalf of respondent was filed on 17.01.2023.		
Succinct facts of the case as per complaint and annexures are as under:		
S. N.	Particulars	Details
1.	Name of the project	"Neo Square", Sector 109, Gurugram
2.	Nature of the project	Commercial
3.	Project area	3.089 acres
4.	DTCP license no. and validity status	102 of 2008 dated 15.05.2008
5.	RERA Registered/ not registered	109 of 2017 dated 24.08.2017 valid upto 23.08.2021 plus 6 months of extension due to COVID-19 = 23.02.2022



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हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

CR/1329/2019

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

6.	Application for allotment	05.02.2015 (Page 26 of reply)
7.	Date of execution of Apartment Buyer's Agreement	02.01.2015 (Page 41 of reply)
8.	Unit no. and area	Restaurant no. 27, 3 <sup>rd</sup> floor admeasuring 500 sq. ft. (super area) (As per BBA at page 45 of reply)
9.	Memorandum of understanding for assured return	09.02.2015 (Page 27 of reply)
10.	Possession clause	Clause 3 of MoU: The company shall complete the construction of the said building/complex, within the said space is located within <b>36 months from date of execution of this agreement or from the start of construction, whichever is later</b> and apply for grant of completion/occupancy certificate.
11	Date of start of construction	The Authority has decided the date of start of construction as 15.12.2015 which was agreed to be taken as date of start of construction for the same project in other matters. CR/1329/2019. It was admitted by the respondent in his reply that the construction was started in the month of December 2015
12.	Due date of possession	15.12.2018 (Calculated from date of start of construction)



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CA/4916/2022

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

13.	Assured return	Clause 4 of MoU <b>The Company shall pay a monthly assured return of Rs. 45,000/- (Rupees Forty Five Thousand only on the total amount received with effect from 09.02.2015 after deduction of Tax at Source and service tax, cess "or any other levy which is due and payable by the Allottee(s) to the Company and the balance sale consideration shall be payable by the Allottees) to the Company in accordance with the Payment Schedule annexed as Annexure 1. The monthly assured return shall be paid to the Allottee(s) until the commencement of the first lease on the said unit. This shall be paid from the effective date.</b>
14.	Total sale consideration	Rs. 29,28,532/- (As per SoA on page 95 of reply)
15.	Amount paid by the complainant	Rs. 26,94,780/- (As per SoA on page 95 of reply)
16.	Amount paid by respondent (AR) till march 2019	Rs. 22,38,000/- (As per SoA on page 95 of reply)
17.	Occupation certificate /Completion certificate	14.08.2024
18.	Offer of possession	Not offered
19.	Surrender of unit (personal reason)	Vide letter dated 09.05.2019 (Page 84 of reply)



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हरियाणा भू-संपदा विनियामक प्राधिकरण गुरुग्राम

CA 14916/2022

New PWD Rest House, Civil Lines, Gurugram, Haryana नया पी. डब्ल्यू. डी. विश्राम गृह, सिविल लाईन्स, गुरुग्राम, हरियाणा

20.	Cancellation letter	06.07.2021 (Page 130 of complaint)
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The complainant filed an application dated 16.05.2025 under section 35 read with section 37 for issuing the direction to the respondent to submit the status report of the subject unit. Further the complainant has filed the present complaint seeking directions to the respondent to reinstate and handover the possession of the unit by setting aside the cancellation letter dated 06.07.2021. In case third party has been created, allot the alternate unit alongwith delayed possession charges and assured return as agreed in MoU.

The counsel for the respondent states that the complainant had made request for surrender of the unit on 09.05.2019 due to financial crises. The amount deposited by the complainant was refunded which was encashed. Thereafter the complainant had requested for reinstatement of the unit on 12.08.2020.

Arguments heard.

Order reserved.

Parties may file brief written submissions within a period of 2 weeks with an advance copy to each other.

Matter to come up on 22.07.2025 for pronouncement of order.

  
Ashok Sangwan  
Member

  
Arun Kumar  
Chairman  
27.05.2025

  
Vijay Kumar Goyal  
Member