

| <b>PROCEEDINGS OF THE DAY</b> |                                                                                        | <b>103</b> |
|-------------------------------|----------------------------------------------------------------------------------------|------------|
| Day and Date                  | Tuesday and 30.07.2024                                                                 |            |
| Complaint No.                 | CR/4934/2022 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 Venket Rao Advocate                                                               |            |
| Last date of hearing          | 07.05.2024                                                                             |            |
| Proceeding Recorded by        | Naresh Kumari and HR Mehta                                                             |            |

### Proceedings

The present complaint was received on 10.08.2022 and reply on behalf of respondent was filed on 17.01.2023.

Part arguments heard.

The complainant states that they had purchased 7 units in the present project i.e. 'Neo Square' situated in Gurgaon and had separately applied for the allotment of 2 other residential units in a different project i.e. 'Capital Residency' at New Delhi. Due to their personal reasons, the complainants surrendered their allotment in both projects of the respondent i.e. Neo Square and Capital Residency and requested for refund of he paid up amount towards the sale consideration of the unit. The respondent had refunded an amount of Rs. 24,20,832/- against the 2 units booked by the complainants in the project 'Capital Residency' and Rs. 5,79,168/- (after deduction of earnest money, assured return already paid to the complainants etc) against the 7 units booked in the instant project i.e. 'Neo Square'. The counsel for the complainant further states that the respondent-builder cancelled the subject unit on 06.07.2021. Before the cancellation, the respondent-builder did not issue any demands or provide a pre-cancellation notice.

On the contrary, the respondent-builder states that the present complainants had filed a consumer complaint bearing No. 732 of 2021 titled as "Mr. Rajesh



HARERA  
GURUGRAM

HARYANA REAL ESTATE REGULATORY AUTHORITY  
GURUGRAM

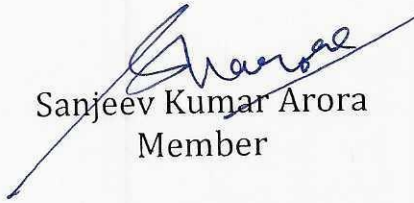
हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम  
CR/14934/2022

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

Banbah & Anr. vs Neo Developers Pvt. Ltd." before the Ld. District Consumer Dispute Redressal Commission, Gurgaon (hereinafter referred to as the "DCDRC") wherein, the complainants had sought refund of the amounts paid against the allotment of two (2) shops in the project "Capital Residency". Accordingly, the Ld. DCDRC passed the Final Order dated 05.05.2023. As per the observations of the Hon'ble DCDRC recorded in the said Order, the amounts refunded by Neo Developers Pvt. Ltd to the complainants pertains to the Project "Nep 3 Square" only. That the said order was brought to the knowledge of the Id. authority during the hearing dated 04.07.2023.

Matter to come up on **15.10.2024** for further arguments.

  
Sanjeev Kumar Arora  
Member

  
Ashok Sangwan  
Member

  
Arun Kumar  
Chairman  
30.07.2024