

| PROCEEDINGS OF THE DAY                                                                                  |                                                                               | 84                                                                           |
|---------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| Day and Date                                                                                            | Friday and 24.05.2024                                                         |                                                                              |
| Complaint No.                                                                                           | CR/4966/2023 Case titled as Ruchika Sharma VS SRV Automotives Private Limited |                                                                              |
| Complainant                                                                                             | Ruchika Sharma                                                                |                                                                              |
| Represented through                                                                                     | Ms. Vanshika Chopra Advocate                                                  |                                                                              |
| Respondent                                                                                              | SRV Automotives Private Limited                                               |                                                                              |
| Respondent Represented through                                                                          | Shri Amarjeet Kumar Advocate                                                  |                                                                              |
| Last date of hearing                                                                                    | 15.03.2024                                                                    |                                                                              |
| Proceeding Recorded by                                                                                  | Naresh Kumari and HR Mehta                                                    |                                                                              |
| Proceedings                                                                                             |                                                                               |                                                                              |
| The complaint has been received on 03.11.2023 and reply has been received on 15.03.2024 and 13.05.2024. |                                                                               |                                                                              |
| Succinct facts of the case as are as under:                                                             |                                                                               |                                                                              |
| S. No.                                                                                                  | Heads                                                                         | Information                                                                  |
| 1.                                                                                                      | Name and location of the project                                              | "Landmark the homes 81", Sector-81 , Gurugram                                |
| 2.                                                                                                      | Nature of the project                                                         | Residential project with commercial complex (Affordable)                     |
| 3.                                                                                                      | Project area                                                                  | 5 acres                                                                      |
| 4.                                                                                                      | DTCP License                                                                  | 04 of 2021 dated 02.03.2021 valid till 01.03.2026                            |
|                                                                                                         | Name of the licensee                                                          | SRV Automotives Pvt. Ltd.                                                    |
| 5.                                                                                                      | HRERA registered/ not registered                                              | <b>Registered vide no. 36 of 2021 dated 16.07.2021 valid till 28.02.2026</b> |
| 6.                                                                                                      | Application dated                                                             | 04.04.2022                                                                   |



**HARERA**  
**GURUGRAM**

**HARYANA REAL ESTATE REGULATORY AUTHORITY**  
**GURUGRAM**

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

*CA/4966/2023*

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

|     |                                        |                                                                                                                                                                                                                                         |
|-----|----------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|     |                                        | (As per page no. 29 of complaint)                                                                                                                                                                                                       |
| 7.  | Allotment letter                       | 03.06.2022<br>(Page 24 of complaint)                                                                                                                                                                                                    |
| 8.  | Date of execution of agreement of sale | 15.07.2022<br>(As per page no. 27 of complaint)<br>®                                                                                                                                                                                    |
| 9.  | Unit no.                               | H- 0701 on 7 <sup>TH</sup> floor, tower H<br>(As per page no. 29 of complaint)                                                                                                                                                          |
| 10. | Super Area                             | 398.8 sq. ft.<br>(As per page no. 29 of complaint)                                                                                                                                                                                      |
| 11. | Total consideration                    | Rs. 17,60,552<br>(As per BBA, page no. 30 of the complaint)                                                                                                                                                                             |
| 12. | Total amount paid by the complainants  | Rs. 8,89,670/-<br>(As per page 18 of complaint)                                                                                                                                                                                         |
| 13. | Possession clause                      | <i>(The Developer shall offer possession of the said to the allottee within a period of 4 years from the date of approval of building plans or grant of EC whichever is later)</i><br><br>Taken from another file of affordable project |
| 14. | Date of approval of building plans     | <b>01.03.2021</b><br><b>(As per agreement on page 28 of complaint)</b>                                                                                                                                                                  |
| 15. | Date of EC                             | <b>Not available</b>                                                                                                                                                                                                                    |
| 16. | Due date of possession                 | 01.03.2025<br>01.09.2024 + 6 months<br>(Calculated from the date of approval of building plans + grace period of 6 months covid)<br><b>Grace period is allowed</b>                                                                      |
| 17. | Demand/Reminders                       | 21.03.2023, 09.04.2023,<br>25.04.2023<br>(Page 29-31 of reply)                                                                                                                                                                          |



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|     |                                        |                                                                                                                                                   |
|-----|----------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|
| 18. | Final reminder cum cancellation letter | 11.05.2023<br>(Page 32 of reply)<br>(Newspaper advertisement - 26.05.2023)<br>11.08.2023 - Cancellation letter - collect the money Rs. 7,97,257/- |
| 19. | Occupation Certificate                 | Not obtained                                                                                                                                      |
| 20. | Offer of possession                    | Not offered                                                                                                                                       |

The counsel for the complainant states that they have not received the demand letter which was sent by the respondent as they had got the address changed which is as per Annexure C7, at page 61 and it is mail dated 04.07.2022. Further stated that the complainant never received the demand letter as well as cancellation letter due to which they did not pay the outstanding dues.

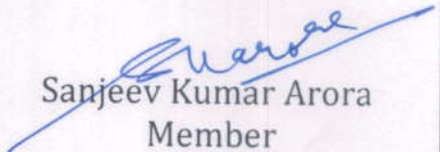
The counsel for the respondent states that they had sent the demand letter at their address and the cancellation letter was also sent at their address when the cancellation letter was delivered on new address how come they did not receive the demand letter. More over, the respondent cancelled the unit after following the procedure laid down in Affordable Housing Policy and publication was made on 26.05.2023 and termination was done on 11.08.2023, hence the cancellation done is a valid cancellation. Further stated that they are ready to refund the amount provided they return the original documents to the respondent.

Arguments heard.

Order reserved.

Both the counsels for the parties are directed to submit written submissions within 15 days with an advance copy to each other.

Matter to come up on 12.07.2024 for pronouncement of order.

  
Sanjeev Kumar Arora  
Member  
24.05.2024