

PROCEEDINGS OF THE DAY		39
Day and Date	Wednesday and 05.07.2023	
Complaint No.	CR/5015/2021 Case titled as Upender Kumar Vs Venetian LDF Projects LLP	
Complainant	Upender Kumar	
Represented through	Ms. Asha Barak Advocate	
Respondent	Venetian LDF Projects LLP	
Respondent Represented	Shri Harshit Batra Advocate	
Last date of hearing	29.03.2023	
Proceeding Recorded by	Naresh Kumari and HR Mehta	
Proceedings		
The present complaint was filed on 22.12.2021 and the reply on behalf of respondent was received on 15.02.2022 and annexures are as under:		
S. N.	Particulars	Details
1.	Name of the project	"83 Avenue", Sector 83, Gurugram, Haryana
2.	Project area	2.36 acres
3.	Nature of the project	Commercial Colony
4.	DTCP license no. and validity status	12 of 2013 dated 13.03.2013 valid up to 12.03.2019
5.	Name of licensee	Dharam Singh
6.	RERA Registered/ not registered	Registered vide no. 42 of 2019 dated 16.01.2019



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New PWD Rest House, Civil Lines, Gurugram, Haryana

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

7.	Unit no.	G-109, Ground Floor (Page no. 38 of reply)
8.	Unit area admeasuring	424.70 sq. ft. (Page no. 39 of complaint)
9.	Date of allotment letter	01.06.2014 (As per on page 34 of complaint)
10.	Date of start of construction	Not Provided
11.	Date of execution of agreement to sell	19.08.2014 (Page no. 45 of the reply)
12.	Possession clause	38 Possession The developer based on its present plans and estimates, contemplates offer of possession of said unit to the allottee within 36 months from signing of the agreement or within 36 months from the start of construction of the building, whichever is later. (Page 47 of the complaint).
13.	Due date of possession	19.08.2017 (Calculated from the date of signing of this agreement)
14.	Total sale consideration	Rs.59,50,047/- (As per on page 38 of complaint)
15.	Amount paid by the complainant	Rs. 18,21,693/- (As alleged by the complainant in facts on page 14 of complaint)



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16.	Occupation certificate /Completion certificate	Not received
17.	Offer of possession	Not offered
18.	Grace period	Allowed
19.	Reminder letter	12.08.2014 ,24.09.2014, 10.10.2014, 13.10.2015, 16.11.2015, 29.12.2015, 16.01.2016,23.02.2016,03.03.2016
20.	Cancellation letter	03.03.2021 (As per on page 109 of reply)
21.	Final notice	11.03.2021 (As per on page 108 of reply)

The counsel for the respondent has filed a reply to show cause notice for penalty of Rs. One Lakh and states that third party right in the unit in dispute was created on 17.05.2022 and the same has been allotted to another individual.

The counsel for the complainant states that the complainant is seeking DPC and possession of the unit allotted to the complainant. The complainant was initially allotted unit No. G-105 of an area of 500 sq. ft but the respondent unilaterally changed the unit to G-109 with an area of 424.700 sq ft. The total cost payable for the allotted unit was Rs. 59,50,047/- against which the complainant has paid Rs. 18,21,693/- (now Rs.19,58,169/-). The complainant did not pay further amount as the pace of construction was very slow and no OC has been received for the project even till date. Further, the alleged cancellation of the unit itself is vitiated since the cancellation happened on 03.03.2021 while the final notice was issued on 11.03.2021. The unit was allotted as per the construction linked plan.

The counsel for the respondent states that the conduct of the complainant reflects on the intention of the complainant and he has defaulted much before the due date. More than 20 reminders were sent to the complainant. The BBA duly signed by the complainant is for the new unit i.e. G-109.



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Arguments heard.

Order reserved.

Matter to come up on **20.09.2023** for pronouncement of order.

Ashok Sangwan
Member
05.07.2023