

PROCEEDINGS OF THE DAY
23

Day and Date	Friday and 25.07.2025
Complaint No.	CR/5046/2023 Case titled as Chetan Pal Singh VS BD Infradevelopers Private Limited
Complainant	Chetan Pal Singh
Represented through	Shri Sanjeev Kumar Sharma Advocate
Respondent	BD Infradevelopers Private Limited
Respondent Represented	Shri Animesh Goyal Avocate
Last date of hearing	25.04.2025
Proceeding Recorded by	Naresh Kumari and HR Mehta

Proceedings

The complaint has been received on 06.11.2023 and reply has been received on 15.03.2024.

On 07.05.2025, the complainant file written arguments and stated that an allottee has paid 85% of TCV or more, the builder is barred from cancelling the concerned unit-this has been held by this hon'ble authority itself in a similar case. Further, a notice was circulated in a Hindi local newspaper "Veer Arjun". This newspaper does not meet the parameters laid down in affordable housing policy, 2013- which stipulates that a given newspaper must have 10,000 copies in circulation. 15-days' time period was not provided between issuing notice in the newspaper and issuing the cancellation notice.

Succinct facts of the case as are as under:

S.no.	Particulars	Details
1.	Name and location of the project	"Ultimus, Gurugram
2.	Nature of the project	Residential project with commercial complex (Affordable)
3.	Project area	5 acres
4.	DTCP License	30 of 2019 dated 28.02.2019 valid till 27.02.2024

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5.	Name of the licensee	Fortune Land and Housing Private Limited & 3 others
6.	HRERA registered/ not registered	Registered vide no. 72 of 2019 dated 23.12.2019 valid till 01.01.2024
7.	Application dated	24.12.2019 (As per page no. 19 of complaint)
8.	Date of execution of apartment buyer's agreement	03.06.2020 (As per page no. 17 of complaint)
9.	Unit no.	A3 001 on Ground floor, tower A3 (As per page no. 19 of complaint)
10.	Super Area	613 sq. ft. (As per page no. 19 of complaint)
11.	Total consideration	Rs. 24,92,562/- (As per BBA, page no. 22 of the complaint)
12.	Total amount paid by the complainants	Rs. 21,72,744/- (As per page 39 of complaint)
13.	Possession clause	Clause 5.2 (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)
14.	Date of approval of building plans	11.09.2019 (As per agreement on page 17 of complaint)
15.	Date of EC	Not available
16.	Due date of possession	11.03.2024 (Calculated from the date of approval of building plans in absence date of EC plus grace period of 6 months covid is given)
17.	Demand/Reminders	05.11.2020, 14.07.2022, 17.02.2022, 17.06.2023, 22.06.2023

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		(Page 6 and 7, 15, 26 and 27 of reply)
18.	Pre cancellation letter	27.06.2023, 28.06.2023 (Page 8 of reply)
19.	Final cancellation letter	14.07.2023 (Page 10 of reply) (Newspaper advertisement) 18.11.2023 - Cheque of Rs. 19,15,854/- is affixed with the mail for refund in the name of complaint at page 13 of reply and cheque is of dated 04.11.2023.
20.	Published in newspaper	14.07.2023 (page 12 of reply)
21.	Amount refunded by the respondent to the complainant	Rs. 19,15,854/- (page 14 of reply)
22.	Occupation Certificate	Not obtained
23.	Offer of possession	Not offered

The complainant has sought the following reliefs:

1. Direct the respondent to set aside the cancellation letter and not create any third party right in respect of the subject unit.
2. Direct the respondent to pay delay possession charges and restore the unit.

The counsel for the respondent states that OC in respect of the unit has been received on 07.05.2025. Further, due to non-payment, the unit was terminated and copy of publication is also filed on 25.04.2025 and 3rd party rights in respect of the unit has also been created on 25.09.2023 and publication is made on 14.07.2023 prior to the status quo order passed by the Authority.

Arguments heard.

Cancellation is valid.

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The respondent is directed to refund the paid-up amount as per clause 5 (iii)(b) of the Affordable Housing Policy, 2013 as amended by the State Government on 22.07.2015, by deducting only Rs.25,000/- along with prescribed rate of interest i.e., @11.10% p.a. on such balance amount from the date of cancellation till the actual realization of the amount.

Detailed order will follow. Matter stands disposed off.


Vijay Kumar Goyal
Member
25.07.2025