



HARERA
GURUGRAM

HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

PROCEEDINGS OF THE DAY		48
Day and Date	Tuesday and 30.04.2024	
Complaint No.	CR/5152/2021 Case titled as Neeraj Bhagat and Vandana Bhagat VS Manglam Multiplex Private Limited	
Complainant	Neeraj Bhagat and Vandana Bhagat	
Represented through	Shri Zohrawal Singh and Hitesh Mankant Advocates	
Respondent	Manglam Multiplex Private Limited	
Respondent Represented	Ms. Shriya Takkar Advocate	
Last date of hearing	23.01.2024	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings

The present complaint was filed on 04.01.2022 and reply on behalf of respondent was received on 21.04.2022.

Succinct facts of the case as per complaint and annexures are as under:

S. N.	Particulars	Details
1.	Name and location of the project	"M3M 65 th Avenue", a part of mixed land development project, Sector 65, Gurugram
2.	Nature of the project	Commercial
3.	Project area	14.4125 acres
4.	DTCP license no.	15 of 2017 dated 02.05.2017 valid up to 01.05.2022
5.	Name of licensee	Manglam Multiplex Pvt. Ltd.
6.	RERA Registered/ not	01 of 2017 dated 14.06.2017 valid



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CL/5152/2021

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	registered	up to 01.05.2024
7.	Allotment Letter	08.02.2018 (At page 18 of the complaint)
8.	Unit no.	R5 LG 23, Lower Ground Floor Block-5 (Page 19 of the complaint)
9.	Unit area admeasuring (Super area) Carpet area	1120.36 sq. ft. 570.44 sq.ft. (Page 19 of the complaint)
10.	Date of builder buyer agreement	18.07.2019 (Page 36 of the complaint)
11.	Possession clause	In clause 7.1 of the agreement, the builder agrees that the possession of the unit will be delivered before commitment period. (I) "Commitment Period" shall mean June 2022 notified by the promoter to the Authority, at the time of registration of the project under the Act, for completion of the Project, or as may be further revised/ approved by the authorities.
12.	Due date of possession	June 2022
13.	Total sale consideration	Rs. 2,98,27,145/- (As per page no. 109 of reply)
14.	Amount paid by the complainant	Rs. 1,26,48,562/- (As alleged by the complainant)

15.	Occupation certificate	30.09.2021 (Page 105 of reply)
16.	Notice for offer of possession	25.10.2021 (Annexure R/6 at page 108 of reply)
17	Pre cancellation letter	25.11.2021 (as per page no. 111 of reply)
18.	Cancellation of provisional allotment	10.12.2021 (Page 122 of the complaint)
19	Remarks	Respondent has already refunded an amount of Rs. 99,97,342/- after forfeiting 10% of the total sale consideration.

Relief sought:

1. Declare that the cancellation notice dated 10.12.2021 illegal, invalid and is bad in law and as the same is against the RERA provisions as well as against the terms of the agreement for sale.
2. Direct the respondent(s) to restore the cancelled unit in the name of the complainant(s).
3. Direct the respondent(s) to handover the possession of the unit in a habitable condition as represented at the time of the booking of the unit/captioned in "Schedule E" of the agreement.
4. Direct the respondent(s) to extinguish the charge created by the respondent(s) in the allotted unit of complainant(s) with Piramal Housing Pvt. Ltd.

The counsel for the complainant states that the complainant had booked a unit in the project of the respondent in M3M 65th Avenue and an allotment letter dated 8.2.2018 was issued for unit no.R2,LG-23. The BBA was executed on 18.7.2019 .The complainant has paid Rs. 1,26,48,562/-against the totl sale consideration of Rs. 2,98,27,145/- as per payment plan. The respondent vide letter dated 25.11.2021 issued a pre-cancellation letter on account of non payment of the demand for balance dues. Further a cancellation notice dated 10.12.2021 was issued to the complainants within 40 days from the offer of



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possession. Although the respondent offered the possession of the unit on 25.10.2021 followed by statement of accounts.

The counsel for the complainant states that the cancellation letter dated 10.12.2021 is illegal, invalid and requests for restoration of the unit, handover the unit in habitable condition.

The counsel for the respondent states that directions for non creation of third party rights were given vide orders dated 2.3.2022 by the Authority but the same was vacated vide orders dated 31.5.2022. . The complainant preferred an appeal in the Appellate Tribunal against the orders of the authority dated 31.5.2022. The Hon'ble Tribunal vide order dated 22.7.2022 restrained it from creating third party rights quo the unit to the respondent. Later on the Ho'ble Tribunal vide its orders dated 18.1.2023 dismissed the appeal filed by the complainant being withdrawn. Further stated that the case was remanded back to the authority for fresh hearing on the directions of the Appellate Tribunal but now the complainant have filed a review application before the Appellate Tribunal but the counsel for the complainant states that the above review application is limited to the extent of review of the vacation order of the stay. Further stated that an amount of Rs. 99,97,342/- has been refunded to the complainant after forfeiting 10% of the total sale consideration.

Arguments heard.

Order reserved.

Both the counsels for the parties are directed to submit brief written submissions within a period of 3 weeks with an advance copy to each other.

Matter to come up on **23.07.2024** for pronouncement of order.

Ashok Sangwan
Member

V.1 - 3
Vijay Kumar Goyal
Member

Arun Kumar
Chairman
30.04.2024