



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		2
Day and Date	Wednesday and 04.12.2024	
Complaint No.	CR/5262/2023 Case titled as Anruradha Gupta and Anr. VS KPDK Buildtech Private Limited	
Complainant	Anruradha Gupta and Anr.	
Represented through	Shri Harshit Goyal Advocate	
Respondent	KPDK Buildtech Private Limited	
Respondent Represented	Shri Himanshu Singh Advocate	
Last date of hearing	23.10.2024	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings

Order not pronounced today.

The counsel for the respondent has filed an application seeking setting aside of order dated 23.10.2024 stating that on the date fixed, the main counsel was engaged in Hon'ble Punjab and Haryana High Court at Chandigarh due to which he could not appear before the Authority for final arguments and the proxy counsel appeared on his behalf sought an adjournment on the aforementioned and unavoidable ground. However, despite the above submission of the proxy counsel, the Hon'ble Member, without hearing the arguments and giving an opportunity to the main counsel has kept the matter at the order reserved stage.

The counsel for the complainant points out to the communication dated 21.03.2023 (Annexure C8) from the respondent wherein 2 options were given to the complainant as under:-

1. To refund the amount received on account of your allotment along with applicable interest in accordance with the RERA guidelines, Memorandum of Understanding and terms and conditions of the Builder Buyer's Agreement, signed and executed by you.
2. If you desire to continue with our project, we will propose to sign a fresh addendum to the Memorandum of Understanding /Builder Buyer's Agreement or any such existing document, indicating the revised date of possession, operator details along with future returns/rent. Details will be shared on availing your desired option.

Subsequently, vide email dated 28.03.2023, (Annexure C9) of the complaint, the complainant conveyed to the respondent that they would choose option A for refund of the amount in accordance with the Rules and Regulations,



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

alongwith interest as applicable. Further, vide letter dated 11.05.2023 (Annexure C10) the respondent confirmed the acceptance for the request for surrender.

The complainant is seeking refund of the full amount with interest without any deductions. It is also pointed out that the occupation certificate for the unit allotted to the complainant is yet to be received.

On the other hand, the counsel for the respondent states that the unit of the complainants is complete and OC has been applied. So far as deductions are concerned, the statement of account dated 21.10.2019 page 25 of the reply clearly mentions the amount paid to the complainants in terms of discount/assured return. The total assured return paid to the complainant is Rs.5,44,882/- and the same is liable to be deducted from the refund amount. He further refers to order passed by the Authority in CR No. 2744/2023 in case titled as Neha Singh versus KPDK in favour of his arguments.

Heard.

Order reserved.

Matter to come up on **22.01.2025** for pronouncement of order.

Asbok Sangwan
Member
04.12.2024