

| PROCEEDINGS OF THE DAY | | 37 |
|--|---|-----------|
| Day and Date | Tuesday and 02.04.2024 | |
| Complaint No. | CR/532/2022 Case titled as Golden Chariot Recreation Pvt Limited VS Assotech Moonshine Urban Developers Private | |
| Complainant | Golden Chariot Recreation Pvt Limited | |
| Represented through | Shri Ashish Chauhan Advocate with Shri Rishi Sehdev AR | |
| Respondent | Assotech Moonshine Urban Developers Private | |
| Respondent Represented | Shri Vaibhav Kataria Advocate | |
| Last date of hearing | 06.02.2024 | |
| Proceeding Recorded by | Naresh Kumari and HR Mehta | |
| Proceedings | | |
| <p>The present complaint has been received on 25.02.2022 and the reply on behalf of respondent was received on 16.05.2022.</p> <p>On the last date of hearing i.e 06.02.2024 The counsel for the complainant stated that they have already supply the desired documents on their part to the Forensic Auditor appointed by the authority on 27.6.2023 and further submitted that they have made payment to Assotech Limited on the instructions of M/s Assotech Moonshine Urban Developers Private limited and further draws attention of the authority towards annexure P-5 page 57, in which the name of the signatory company is written as Asotech Moonshine Urban Developers Pvt Ltd. whereas the stamp of Assotech Limited is affixed on the same and also on allotment letter at page 26 of the complaint. Hence, it proves that Assotech Moonshine Urban Developers Private Limited and Assotech Limited is one of the same.</p> | | |

Counsel for the respondent stated that forensic audit of Assotech Limited has also been got conducted by Hon'ble Delhi High Court and he shall be supplying the copy of the same Forensic audit report within a period of one week in the registry of the authority. Authority hereby directed the respondent to get the forensic audit completed within a period of 15 days and to file the report in next 10 days in the registry of the authority. The authority further directed to give the CA certified list of directors and list of share-holders of Assotech Limited and Assotech Moonshine Urban Developers Private limited within a period of one week. However nothing is filed till date.

A show cause notice dated 05.06.2023 followed by reminder dated 27.06.2023 was sent by the Authority as to why the respondent is not complying with the orders of the Authority. Vide which M/s Saxena and Saxena Chartered Accountants was appointed as forensic auditor in the aforesaid matter.

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

| S. N. | Particulars | Details |
|-------|--------------------------|--|
| 1. | Name of the project | Assotech Blith, Sector-99, Gurgaon |
| 2. | Project type | Group housing project |
| 3. | Plot no. | 23 residential plots bearing no.s- V-01 to V23 (As per page no. 26, 57-79 of complaint) |
| 4. | Plot area admeasuring | 293.70 sq. yd. each (As per page no. 26 of complaint) |
| 5. | Date of allotment letter | 19.01.2015 (As per page no. 26 of complaint) (No buyer agreement has been executed inter-se parties, but a similar document containing rights and liabilities of both the parties has been placed on record) |



HARERA
GURUGRAM

HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

CR/532/2022

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

| | | |
|----|------------------------|--|
| 6. | Possession clause | As per Clause 19(I) , <i>The possession of the apartment shall be delivered to the allottee(s) by the company within 12 months from the date of allotment subject to the force majeure, circumstances, regular and timely payments by the intending allottee(s), availability of building material, change of laws by governmental/ local authorities, etc.</i> |
| 7. | Grace period | As per Clause 19(II) , <i>In case the Company is unable to construct the apartment within stipulated time for reasons other than as stated in sub-clause I, and further within a grace period of six months, the Company shall compensate the intending Allottee (s) for delayed period @Rs. 10/- per sq. ft. per month subject to regular and timely payments of all installments by the Allottee (s). No delayed charges shall be payable within the grace period. Such compensation shall be adjusted in the outstanding dues of the Allottee (s) at the time of handing over possession</i> |
| 8. | Due date of possession | 19.07.2016 (Due date as per clause 19(I) i.e., 19.01.2015 + 12 months with grace period of 6 months) Grace- period is allowed |
| 9. | Payment plan | Down payment plan (As per page no. 57 of complaint) |

An Authority constituted under section 20 the Real Estate (Regulation and Development) Act, 2016
भू-संपदा (विनियमन और विकास) अधिनियम, 2016 की धारा 20 के अंतर्गत गठित प्राधिकरण

| | | |
|-----|---------------------------------|---|
| 10. | Total sale consideration | Rs. 43,90,81,500/- (Rs. 1,90,90,500/- each) (As per cost sheet on page no. 57-79 of complaint) <i>(Note- As alleged by the complainant, that on account of down payment plan, an amount of Rs. 15,00,00,000/- was fixed as total sale consideration and the same was duly paid. However, as per cost sheets of plot dated 19.01.2016 on page no. 57-79 of complaint, no dues are payable on part of complainant.)</i> |
| 11. | Amount paid by the complainants | Rs. 43,90,81,500/- (Rs. 1,90,90,500/- each) (As per cost sheet on page no. 57-79 of complaint) |
| 12. | Completion certificate | Not obtained |
| 13. | Offer of possession | Not offered |

The counsel for the complainant states that respondent is unnecessarily lingering the matter on one pretext or other and has not even complied with the orders of the authority vide its order dated 06.02.2024.

The counsel for the respondent states that the forensic auditor appointed by the Authority has sent a mail dated 29.12.2023 that the forensic auditor are not able to perform the assigned task.

The authority observes that the respondent has not complied with the directions of the authority vide its order dated 06.02.2024, hence, a show cause is hereby given as to why penalty should not be imposed u/s 63 of the Act, 2016 and further directs the respondent to do the compliances of the directions within one week.

The counsel for the complainant further states that they have paid the entire consideration of the unit allotted to them way back on 19.01.2015 and till now



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 लाइंस गुरुग्राम हरियाणा

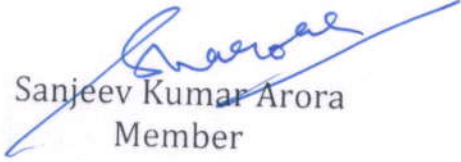
the possession has not been offered to them and hence seeking possession of the unit and delayed possession charges.


Arguments heard.

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

Order reserved.

Matter to come up on **16.07.2024** for pronouncement of order.


Sanjeev Kumar Arora
Member


Vijay Kumar Goyal
Member


Arun Kumar
Chairman
02.04.2024