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HARYANA REAL ESTATE REGULATORY AUTHORITY
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हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

New PWD Rest House, Civil Lines, Gurugram, Haryana

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PROCEEDINGS OF THE DAY

Day and Date	Thursday and 30.05.2024
Complaint No.	CR/5475/2023 Case titled as Sukhpal Kaur VS KS Propmart Private Limited
Complainant	Sukhpal Kaur
Represented through	Shri Manual Mitra Advocate
Respondent	KS Propmart Private Limited
Respondent Represented	None
Last date of hearing	09.05.2024
Proceeding Recorded by	Naresh Kumari and HR Mehta

Proceedings

The present complaint was filed on 04.12.2023 and registered as complaint no. 5475 of 2023 and reply was not received till date.

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

S. No.	Particulars	Details
1.	Name of the project	"Park Street", Sector 85, Gurugram
2.	Area of project	2.85 acres
3.	Nature of project	Commercial
4.	DTCP license no. and validity	100 of 2013 dated 02.12.2013 valid up to 01.12.2019
5.	Name of licensee	KS Propmart Pvt. Ltd.
6.	Unit and floor no.	G-95, Ground floor (As per page no. 9 of complaint)
7.	Area admeasuring	850 sq. ft. (Super area) (As per page no. 9 of complaint)
8.	Date of execution of memorandum of understanding	21.08.2018 (As per page no. 27 of the complaint)
9.	Total sale consideration	Rs.52,07,100/- (As per page no. 30 of the complaint)



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CR/24-751/2023

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

10.	Amount paid by the complainant	Rs.51,85,466/- [As per page no. 31 of the complaint]
11.	Assured return clause	3. Assured Return 3.1 It is hereby agreed and undertaken by the developer that from 1 st August, 2018 till the application for offer of possession is issued, the developer shall pay to the allottee an assured return at the rate of Rs.142.71/- per sq. ft. of super area of premises per month. The assured return shall be subject to tax deduction at source, which shall be payable on due date of every English Calender month on due basis. (As per page no. 33 of the complaint)
12.	Possession clause	N.A
13.	Due date of possession	Cannot be ascertained
14.	Occupation certificate	Not obtained
15.	Offer of possession	Not offered

The counsel for the complainant states that the complainant is seeking assured return and possession of the unit . The complainant is 85 years of old. Further states that neither any written reply has been filed nor any representative of the respondent present today even on the previous dates no one was present on behalf of the respondent.

Despite multiple opportunities given to the respondent to file reply, the respondent has failed to file the reply. In view of the above, the defence of the respondent is hereby struck off.

In view of the above, assured return is allowed. The respondent is directed to pay assured return to the complainant as per agreed terms and conditions.

Matter stands disposed off. Detailed orders will follow.


Vijay Kumar Goyal
Member
30.05.2024