



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	Thursday and 30.05.2024	
Complaint No.	CR/5508/2023 Case titled as Surinder Kumar and Narender Kumar VS Imperia Wishfeild Private Limited	
Complainant	Surinder Kumar and Narender Kumar	
Represented through	Shri Mohit Dua Advocate	
Respondent	Imperia Wishfeild Private Limited	
Respondent Represented	Shri Sourav Advocate	
Last date of hearing	14.03.2024	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings

The present complaint was filed on 05.12.2023 and registered as complaint no. 5508 of 2023 and reply was received on 14.03.2024.

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

S. No.	Particulars	Details
1.	Project name and location	"Elvedor" at sector 37C, Gurgaon, Haryana
2.	Project area	1.175 acres
3.	Nature of project	Commercial
4.	RERA registered/not registered	Not registered
5.	DTCP license no.	51 of 2012 dated 17.05.2012
	Valid up to	16.05.2024
	Name of Licensee	M/s Prime IT Solutions Pvt. Ltd. and others
6.	Application for allotment	13.09.2012



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		(As per page no. 23 of the complaint)
7.	Date of execution of builder buyer's agreement	10.10.2016 (As per page no. 21 of the complaint)
8.	Unit No.	G60, Ground Floor, Block-B (As per page no. 26 of the complaint)
9.	Unit area admeasuring	315 sq. ft. (As per page no. 26 of the complaint)
10.	Possession clause	11(a) Schedule for possession of the said unit <i>The company based on its present plans and estimates and subject to all just exceptions endeavors to complete construction of the said building/said unit within a period of sixty (60) months from the date of this agreement unless there shall be delay or failure due to department delay or due to any circumstances beyond the power and control of the company or Force Majeure conditions including but not limited to reasons mentioned in clause 11(b) and 11(c) or due to failure of the allottee(s) to pay in time the Total price and other charges and dues/payments mentioned in this agreement or any failure on the part of the allottee to abide by all or any of the terms and conditions of this agreement.</i> (As per page no. 30 of the complaint)
11.	Due date of delivery of possession	10.10.2021 (Note: Due date to be calculated 60 months from the date of execution of agreement i.e., 10.10.2016)
12.	Total consideration	Rs.36,73,653/- (As per statement of account on page no. 54 of the complaint)
13.	Total amount paid by the complainants	Rs.16,09,940/-



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		(As per statement of account on page no. 54 of the complaint)
14.	Occupation certificate	Not obtained
15.	Offer of possession	Not offered
16.	Delay in handing over the possession till date of filing complaint i.e., 05.12.2023	2 years 1 month and 25 days

The counsel for the complainant is seeking refund of the deposited amount as the unit is not offered by the respondent and no OC has yet been received by the respondent from the competent authority. The counsel for the complainant further stated that co-allottee of the complainant has expired and a certificate of the same has been attached with the complaint.

The counsel for the respondent states that unit is not yet complete and will be completed in the year 2025.

In view of the above, full refund is allowed alongwith prescribed rate of interest i.e. 10.85% p.a. from the date of deposits till its realization.

Matter stands disposed off. Detailed orders will follow.

V.1-3
Vijay Kumar Goyal
Member
30.05.2024