



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		62
Day and Date	Tuesday and 28.01.2025	
Complaint No.	CR/5558/2022 Case titled as Neena Agarwal VS Lotus Realtech Private Limited	
Complainant	Neena Agarwal	
Represented through	Shri Arun Kumar proxy counsel	
Respondent	Lotus Realtech Private Limited	
Respondent Represented	Shri Jagdeep Singh Dahiya Advocate	
Last date of hearing	01.10.2024	
Proceeding Recorded by	Naresh Kumari and HR Mehta	
Proceedings		
The present complaint has been received on 10.08.2022 and reply on behalf of the respondent was received on 27.03.2023.		
Succinct facts of the case as per complaint and annexures are as under:		
S.no	Particulars	Details
1.	Name of the project	"Lotus Homz", Sector- 111, Gurugram
2.	Nature of project	Affordable Group Housing Colony
3.	RERA registered/not registered	214/2017 dated 18.09.2017 Valid upto 30.06.2020
4.	DTPC License no.	47 of 2014 dated 18.06.2014
	Validity status	31.05.2021
	Name of licensee	Ashok Kumar & 1 Ors.
	Licensed area	05.09 acres
5.	Unit no.	503, Tower C (3), 5 th floor [as per buyer's agreement on page 15 of complaint]
6.	Unit measuring	605.55 sq. ft. (carpet area) [as per buyer's agreement on page 15 of complaint]
7.	Date of execution of Apartment buyer's agreement	02.02.2016 [as per buyer's agreement on page 1 of complaint]



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CR/5558/2022

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8.	Possession clause	3.1 Subject to force majeure circumstances, intervention of statutory authorities, receipt of occupation certificate and allottee having timely complied with all its obligations, formalities or documentation, as prescribed by developer and not being in default under any part hereof and Apartment Buyer's Agreement, including but not limited to the timely payment of installments of the other charges as per the payment plan, stamp duty and registration charges, the developer proposes to offer possession of the said apartment to the allottee within a period of 4 (four) years from the date of approval of building plans or grant of environment clearance, (hereinafter referred to as the "Commencement Date"), whichever is later.
9.	Approval of Building Plan	22.10.2014 (as per buyer's agreement on page 14 of complaint)
10.	Environment clearance	N/A
11.	Due date of possession	22.10.2018 (the due date is calculated from the date of approval of building plans)
12.	Total Sale Consideration	Rs.24,67,375/- [as per buyer's agreement on page 17 of complaint]
13.	Total amount paid by the complainant	Rs.6,16,844/- (as alleged by complainant on page 8 of complaint, but Rs.6,39,205/- as per cancellation letter on page 10 of reply)
14.	Occupation certificate	01.06.2021
15.	Offer of possession	N/A
16.	Demand Letter	10.01.2019 (page 11 of reply)
17.	Publication	14.03.2019 (page 12 of reply)



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CA 5558/22

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18.	Cancellation Letter	29.10.2020 (page 10 of reply)	
19.	Refund of amount letter	11.07.2022 (page 13 of reply)	

The complainant is seeking possession of the unit alongwith delayed possession charges.

The counsel for the respondent states that the complainant had booked a unit bearing no. 503, Tower C, 5th floor in Affordable Group Housing Colony named as "Lotus Homz" vide buyer's agreement dated 02.02.2016 for a total sale consideration of Rs.24,67,375/-. Out of the said consideration she has paid a sum of Rs.6,39,205/- till date. Accordingly, demands were raised against the balance amount vide letter dated 10.01.2019 and publication was made in daily newspaper named "Haribhoomi" on 14.03.2019. But due to her failure in paying the same despite repeated requests, the unit was cancelled vide cancellation letter dated 29.10.2020 and after deducting Rs.1,48,369/- balance amount of Rs.4,90,836/- was sent to complainant vide Cheque bearing no. 15552 as refund.

The proxy counsel for the complainant seeks an adjournment as the arguing counsel is not available. Matter is pending since 10.08.2022 which is more than 2 years. There is no justification in delaying the matter anymore. Pleadings are on record. However in the interest of justice, parties may file written submissions within a period of 2 weeks with an advance copy to each other.

Order reserved.

Matter to come up on 04.03.2025 for pronouncement of order.

Ashok Sangwan
Member

V.1-5
Vijay Kumar Goyal
Member
28.01.2025