



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		47
Day and Date	Friday and 22.12.2023	
Complaint No.	CR/5758/2022 Case titled as Kuldeep Kaur and Chetan Rishi VS Silver Glades Infrastructure Private Limited	
Complainant	Kuldeep Kaur and Chetan Rishi	
Represented through	Shri Umesh Gulati Advocate	
Respondent	Silver Glades Infrastructure Private Limited	
Respondent Represented	Shri Harshit Batra Advocate	
Last date of hearing	08.12.2023	
Proceeding Recorded by	Naresh Kumari	

Proceedings

The present complaint was filed on 18.08.2022 and reply on behalf of respondent was filed on 09.08.2023.

The counsel for the complainants states that no doubt the reminders were received by them from the respondent for execution of agreement but as the co-allottee was not available, they could not execute the same and further stated that the demand raised by the respondent were not reasonable as the demands were raised not as per the payment schedule.

The counsel for the respondent states that they have sent several reminders for execution of BBA as well as the payment outstanding which were accompanied with the progress of the project under construction but the complainants did not come forward to execute the same and further stated that there were clear cut mention in the application form itself which is clause 13 at page 22 of the complaint. Clause 13 is re-produced as under:-

"If the intending applicant fails in submission of consent or seeks cancellation/withdrawal from the project without any fault of the promoter or fails in payment of required additional amount towards TSV of unit and signing of agreement for sale within given time, then

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



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

the promoter is entitled to forfeit the entire application money or 10% of the total Sales Value as may be applicable and interest component on delayed payment (payable by the customer for breach of agreement and non payment of any due payable to the promoter). The rate of interest payable by the intending applicant to the promoter shall be the State Bank of India highest marginal cost of lending rate plus two percent. The balance amount of money paid by the intending applicant shall be returned within ninety days of such cancellation. Any special incentive discount, offer or privilege offered to the applicant at the time of sale shall stand revoked in such situation".

As per which if the applicant fails to execute the relevant agreement for sale within the given time, the promoter is entitled to forfeit the entire application money or 10% of the total sale value as may be applicable and hence, the respondent acting on the basis of that clause cancelled the unit.

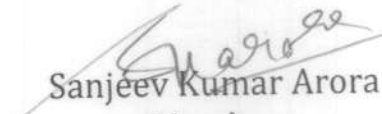
However, the counsel for the complainant states that as per additional evidences which he wants to place on record and a copy of the same has been sent to the AR of the company. Page 14 is a mail dated 16.03.2022 as per which the complainant is saying that "we had noted your initial letter in this regard kindly do not issue further reminders."

Further the counsel for the complainant stated that he wishes to settle the matter amicably and he rang the counsel of respondent for same and wishes to further explore the possibility. Authority is of the view that complainant may do so and file settlement deed prior to date of pronouncement of order otherwise order shall be pronounced on the basis of facts on record and arguments heard.

Arguments heard.

Order reserved.

Matter to come up on **19.01.2024** for pronouncement of order.


Sanjeev Kumar Arora

Member

22.12.2023