



PROCEEDINGS OF THE DAY

36

Day and Date	Wednesday and 16.04.2025
Complaint No.	CR/5888/2023 Case titled as Athena Infrastructure Private Limited VS Deepak Luthra and Mohini Luthra
Complainant	Athena Infrastructure Private Limited
Represented through	Shri Rahul Yadav Advocate
Respondent	Deepak Luthra and Mohini Luthra
Respondent Represented through	None
Last date of hearing	26.02.2025
Proceeding Recorded by	Naresh Kumari and HR Mehta

Proceedings

The present complaint has been filed on **22.12.2023** and registered as complaint no. **5888** of **2023**. Reply on behalf of the respondent has been received on **11.09.2024**.

Succinct facts as per the complaint and the reply are as follows:

Sr. No.	Particulars	Details
1.	Name of the project	"Indiabulls Enigma"
2.	Location of the project	Sector-110,Village-Pawala Khusrupur, Gurugram, Haryana.
3.	Nature of the project	Group housing
4.	DTCP license no.	License No.- 213 of 2007 dated 5.09.2007 10 of 2011 dated 29.01.2011



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हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

5888/2023

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

		64 of 2012 dated 20.06.2012
5.	Registered/not registered	Registered Vide registration no. 353 of 2017
6.	Allotment letter	19.12.2018 (As on page no. 41 of complaint)
7.	Unit no.	204, Type-5BHK Pent house duplex, Tower-A, Floor no.-20/21, Parking 03. (As on page no. 41 of complaint)
8.	Area of the unit	3893 sq.ft. [Carpet Area] (As on page no. 41 of complaint)
9.	Agreement For Sale	07.03.2019 (As on page no. 55 of complaint)
10.	Possession clause	Clause 5 POSSESSION OF THE APARTMENT <i>The Promoter shall handover the legal possession of the Apartment to the Allottee upon execution and registration of the sale deed within 18(Eighteen) months of signing of this Agreement. Promoter shall offer in writing the possession of the Apartment to the Allottee(s) upon execution of sale deed.</i> <i>[Emphasis supplied]</i> (As on page no. 63 of complaint)
11.	Due date of possession	07.03.2021 [calculated 18 months from the signing of agreement plus six months on account of covid-19]



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CR/5888/2023

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12.	Total sale consideration	Rs.4,52,27,640/- (As on page no. 59 of complaint)
13.	Total amount paid by the complainant	Rs.3,23,05,200/- (As per account ledger at page no. 97 of complaint)
14.	Payment plan	Subvention till 550 days Booking amount-Rs.5,00,000/- Within 30 days from booking-5% of Sale price + applicable taxes On approval of IBHL-80% of sale price + applicable taxes On offer of permission to use- 100% maintenance security + 100% club charges + 100% cost of installation of electricity metre, security deposit, energizing charges. Within 270 days from the date of booking-5% of sale price + applicable taxes. Within 550 days from the date of booking-10% of sale price + applicable taxes. (As per payment plan on page no. 74 of complaint)
15.	Tri-partite Agreement [With Indiabulls Housing Finance Limited]	12.02.2019 (As on page no. 45 of complaint)
16.	Occupation certificate	06.04.2018 (As per Hrera website)
17.	Possession handover	18.03.2019 (As on page no. 77 of complaint)



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(K) 5388/2023

New PWD Rest House, Civil Lines, Gurugram, Haryana

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The complainant -promoter has filed the present complainant to direct the respondent-allottee to clear the outstanding towards the sale consideration of the unit along with interest w.e.f 05.03.2020 till final realization.

Case has been called out but none has appeared on behalf of the respondent-allottees.

The counsel for the complainants states that the possession of the apartment has already been handed over to the respondents on 18.03.2019 and they are yet to make the full payment for the same. The objections being taken by the respondent are not material to the facts of this case.

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 02.07.2025 for pronouncement of order.

(Signature)
Ashok Sangwan
Member
16.04.2025