



**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**

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Day and Date	Friday and 12.07.2024
Complaint No.	CR/5969/2022 Case titled as Pavan Dutta VS Magic Eye Developers Private Limited
Complainant	Pavan Dutta
Represented through	Shri Varun Hooda Advocate
Respondent	Magic Eye Developers Private Limited
Respondent Represented	Shri Gaurav Rawat Advocate
Last date of hearing	--
Proceeding Recorded by	Naresh Kumari and HR Mehta

**Proceedings**

The present complaint was received on 30.08.2022 and reply on behalf of respondent was filed on 21.11.2022.

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

S. No.	Particulars	Details
1.	Name and location of the project	The Plaza, Sector-106
2.	Unit no.	0204, T-B1 [pg. 52 of complaint]
3.	Unit area admeasuring (Super area)	700 sq. ft. [pg. 52 of complaint]
4.	Allotment Letter	06.03.2014 [pg. 45 of complaint]
5.	Date of buyer's agreement	07.03.2014 [pg. 47 of complaint]
6.	Possession Clause	9.1 Three years from the date of execution of agreement with two grace periods of six months each.....



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CR/5969/2022

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7	Due date of possession	07.03.2017 [note: grace period not included]
8.	Total sale consideration	Rs. 43,90,476/- as per applicant ledger dated 26.09.2022
9.	Amount paid by the complainant	Rs. 15,81,083/- as per applicant ledger dated 24.09.2019
10.	Request for refund through an email dated	20.01.2017, 20.08.2018, 08.09.2018
11.	Occupation certificate	28.11.2019.
12	Offer of possession	30.11.2019
13	Cancellation letter	23.11.2021

The counsel for the complainant is seeking refund as due date of possession including grace period was 07.03.2018. The complainant had sent a mail for withdrawing from the project on 20.01.2017 which is Annexure C7 at page 72 of the complaint.

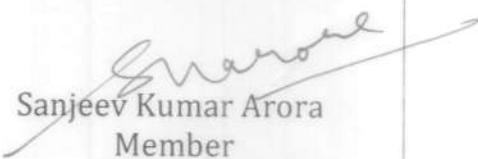
The counsel for the respondent states that the complainant himself has stated in the relief sought in the main complaint for refund of the amount after deduction of 6,35,344/- already paid as full and final settlement by the developer.

The counsel for the complainant states that no doubt the complainant had received Rs.6,35,344/- but the same was without prejudice to our rights and under protest.

Arguments heard.

Both the counsels for the parties are directed to file written submissions within a period of 15 days with an advance copy to each other.

Matter to come up on 02.08.2024 for pronouncement of order.

  
Sanjeev Kumar Arora  
Member  
12.07.2024