



**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. विभाग गृह, सिविल लाईंस, गुरुग्राम, हरियाणा

**PROCEEDINGS OF THE DAY**

6

Day and Date	Thursday and 23.02.2023
Complaint No.	CR/6004/2019/3685/2019 Case titled as Poonam Karel Vs Shree Vardhman Infraheights Pvt. Ltd
Complainant	Poonam Karel
Represented through	Shri Karan Chahar Advocate
Respondent	Shree Vardhman Infraheights Pvt. Ltd
Respondent Represented	Shri Gaurav Rawat Advocate
Last date of hearing	22.12.2022
Proceeding Recorded by	Naresh Kumari and HR Mehta

**Proceedings**

On the last date of hearing, counsel for respondent stated at bar that settlement talks are going on.

No settlement deed/document/reply has been filed till now.

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

S. N.	Particulars	Details
1.	Name and location of the project	"Shree Vardhman Victoria", village Badshapur, Sector-70, Gurugram
2.	Project area	10.9687 acres
3.	Nature of the project	Group housing colony
4.	DTCP license no. and validity status	103 of 2010 dated 30.11.2010 valid upto 29.11.2020



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CR/6004/2019/2685/24

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5.	Name of the Licensee	Santur Infrastructures Pvt. Ltd.
6.	RERA registered/ not registered and validity status	<b>Registered</b> Registered vide no. 70 of 2017 dated 18.08.2017 Valid upto 31.12.2020
7.	Unit no.	1703, Tower - C (Page 26 of reply)
8.	Unit area admeasuring	1300 sq. ft. (Page 26 of reply)
10.	Date of buyer agreement	<b>17.07.2013</b> (Page 23 of reply)
11.	Possession clause	<b>14 (a) Possession</b> <i>The construction of the flat is likely to be completed within a period of forty months (40) of commencement of construction of the particular tower/block in which the flat is located with a grace period of 6 months or receipts of sanction of building plans/revised plans and all other approvals subject of the building plans/revised plans and all other approvals subject to force majeure including any restrains/restrictions from any authorities, non-availability of building materials or dispute with construction agency /workforce and circumstances beyond the control of company and subject to timely payments by the buyer in the said complex.</i> (Emphasis Supplied)
12.	Date of commencement of construction	07.05.2014 (As per page 10 of reply)

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 अर्तगत गठित प्राधिकरण



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CR/600/2019/3685/2019

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13.	Due date of possession	07.03.2018 07.09.2017 + 6 months of grace period = 07.03.2018 (Calculated from date of commencement of construction which is available in another file of the same project.)
14.	Total sale consideration	Rs. 83,67,118 /- (Page 77 of reply)
15.	Amount paid by the complainant	Rs. 14,97,485/- (Page 77 of reply)
16.	Occupation certificate	13.07.2022 (Page 45 of reply)
17.	Offer of possession	27.08.2022 (Page 78 of reply)
18.	Refund request by complainant	14.07.2014, 23.07.2014 and 07.09.2014 (Annexure 9 and 11)
19.	Date of cancellation	22.12.2014

**The complainant is seeking the below mentioned relief: -**

**1. Direct the respondent to refund the paid-up amount.**

Due to delay in handing over of possession by the respondent-promoter, the complainant-allottee wishes to withdraw from the project of the respondent and filed the present complaint on 30.11.2019 after due date of possession on 07.03.2018.

In view of right of allottee under Section 18 (1) of Act and the judgement of the Hon'ble Supreme Court of India in the cases of *Newtech Promoters and Developers Private Limited Vs State of U.P. and Ors. (supra)* reiterated in case of *M/s Sana Realtors Private Limited & other Vs Union of India &*



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**others SLP (Civil) No. 13005 of 2020** decided on 12.05.2022.

The cancellation is valid but the respondent should have refunded the amount after deducting 10% earnest money after cancellation of the unit and hence, respondent is directed to refund the balance amount after deduction of 10% earnest money within interest on the balance amount from the date of cancellation till its realization.

Matter stands disposed off. Detailed order will follow. file be consigned to the registry.

V.1 - 3  
Vijay Kumar Goyal  
Member  
23.02.2023