

<b>PROCEEDINGS OF THE DAY</b>		<b>31</b>
Day and Date	Thursday and 29.02.2024	
Complaint No.	CR/6439/2022 Case titled as Vikas Goyat And Sarita Goyat VS Tulip Infratech Private Limited and Brahm Prakash and Apple Facilities Services Pvt Ltd.	
Complainant	Vikas Goyat And Sarita Goyat	
Represented through	Shri Sukhbir Yadav, Advocate	
Respondent	Tulip Infratech Private Limited and Brahm Prakash and Apple Facilities Services Pvt Ltd.	
Respondent Represented through	Shri Sudesh Ranjan Singh, Advocate on behalf of Respondent no.1 and 3 None on behalf of Brahm Prakash	
Last date of hearing	23.11.2023	
Proceeding Recorded by	H.R.MEHTA	
<b>Proceedings</b>		
<p>On 27.07.2023 both the parties were directed to file written submission and same has been filed by complainant on 26.10.2023 and by respondent no.1 &amp; 3 on 06.11.2023</p> <p>The present complaint has been received on 14.10.2022 and the reply on behalf of the respondent on. 1 &amp; 3 has been received on 25.01.2023 and defense of respondent no.2 was struck off vide order dated 27.07.2023.</p> <p>Succinct facts of the case as per complaint and reply are as under:</p>		
<b>S. N.</b>	<b>Particulars</b>	<b>Details</b>
1.	Project name and location	"Tulip Violet, Sector-69-70, Gurugram
2.	Project area	25.44 acres
3.	Nature of the project	Residential group colony
4.	DTCP license no. and	78 of 2010 dated 15.10.2010 valid upto



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हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

New PWD Rest House, Civil Lines, Gurugram, Haryana नया पी. डब्ल्यू. डी. विश्राम गृह, सिविल लाईंस, गुरुग्राम, हरियाणा

	validity status	14.10.2025
5.	Name of licensee	Amit and 7 others
6.	RERA registration details	Registered Vide registration no. 36 of 2018 dated 18.12.2018 valid up to 31.12.2020
7.	Unit no.	703, 7 <sup>th</sup> floor, tower-A7 (page 62 of complaint)
8.	Unit area admeasuring	2010 sq. ft. (super area) (page 62 of complaint)
9.	Date of execution of agreement	31.01.2022 [page 56 of complaint]
10.	Possession clause	<b>10 (a) Schedule for possession of the said apartment.</b> <i>The construction of the said building/said apartment is completed, and the landowners/vendor has already applied for occupation certificate. The landowner/vendor will offer the physical possession of the said apartment within 30 days from the obtaining the OC from concerned authority.</i> (page 65 of complaint)
11.	Due date of possession	NA
12.	Basic sale consideration	Rs.85,00,000/- (as per BBA page 62 of reply)
13.	Amount paid by the complainant	Rs.85,00,000/- (as alleged by complainant page 14 of complaint)
14.	Possession letter	18.02.2022 (page 77 of complaint)
15.	Conveyance deed	18.02.2022 (page 42 of complaint)
16.	Maintenance agreement	10.02.2022 (page 79 of complaint)

The complainant has sought following relief(s):

1. Direct the respondent to cancel/revoke the demand of Rs.1,50,000/- against charges of IFMS.
2. Direct the respondent to allot covered/basement parking in the same



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tower in which unit is located.


3. Direct the respondent to issue no dues certificate and statement of accounts for the said unit

Arguments heard.

The counsel for the respondent states that the relief sought by the complainant is not covered under section 18 of the Act and the same shall be filed before the Adjudicating Officer for compensation. However, the counsel for the complainant states that the relief sought by the complainant is covered under section 11(4) of the Act. He also draws the attention of the authority towards judgement passed by the Ho'ble Apex Court in case titled as Abhishek Khanna VS Ireo Grace.

Written arguments have already been filed by both the parties.

Detailed orders will follow.

  
Vijay Kumar Goyal  
Member  
29.02.2024