

PROCEEDINGS OF THE DAY
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Day and Date	Thursday and 21.09.2023
Complaint No.	CR/6598/2022 Case titled as Mamta Sharma Vs Godrej Properties Limited
Complainant	Mamta Sharma
Represented through	Shri Mayank Sharma, proxy counsel
Respondent	Godrej Properties Limited
Respondent Represented through	Shri Rajat Tanwar, Advocate
Last date of hearing	17.8.2023
Proceeding Recorded by	Naresh Kumari and HR Mehta

Proceedings

The present complaint has been received on 29.09.2022 and the reply on behalf of respondent was received on 07.08.2023.

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

S.N.	Particulars	Details
1.	Name and location of the project	"Godrej Habitat", sector-3, Gurgaon
2.	Nature of the project	Group housing colony
3.	Project area	7.46 acres
4.	DTCP license no.	18 of 2018 dated 26.02.2018 Valid upto 25.02.2028
5.	RERA Registered/ not registered	11 of 2019 dated 11.03.2019 Valid upto 25.02.2023
6.	Date of allotment	13.02.2020 (page 19 of complaint)
7.	Unit allotted	Tower-4-0306, Tower-4, 3 rd floor (page 28 of complaint)
8.	Unit admeasuring area	116.62 sq. mt. (carpet area) (page 28 of complaint)



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हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

CR/6598/2022

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

9.	Date of builder buyer agreement	01.02.2021 (page 24 of complaint)
10.	Possession clause	7.1 "The developer shall offer possession of the units falling in the project on or before February 25, 2023 with an additional grace period of upto 12 months as may be approved by RERA"
11.	Due date of possession	25.02.2023 (as per possession clause 7.1 on page 36 of complaint)
12.	Total sale consideration	Rs.1,43,04,927/- (page 21 of complaint)
13.	Total amount paid by the complainants	Rs.14,30,000/- (page 16 of complaint)
14.	Termination Letter	02.03.2021 (page 56 of reply)
15.	Occupation certificate	Not obtained

The counsel for the complainant states that much prior to the BBA the allottee through an e-mail dated 01.05.2019 requested for withdrawal of booking application. However, the responded vide e-mail dated 02.05.2019 that the entire booking amount is liable to be forfeited. BBA dated 01.02.2020 and executed only on 01.02.2021. However, the date of said BBA is even prior to issuance of allotment letter which is dated 13.02.2020 at page 19 at Annexure-II.

Since the agreement executed is in contravention to the model BBA which provides for return of the money in case the agreement is not executed while the agreement provided by the builder provides for forfeiture of earnest money and the unit was terminated. On 01.03.2021 one e-mail is received by the allottee and same day in the evening cancelled the unit while the complainant sent an e-mail for submission of second cheque. No notice issued giving 7 days time for depositing outstanding amount.

Sh. Rajat Tanwar, Advocate for respondent states that cancellation of unit was made after giving three reminders. The BBA was sent to the allottee vide e-mail dated 14.02.2020 but the allottee came forward to execute only in



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2021 and finally executed on 01.02.2021. Four reminder letters dated 21.10.2020, 05.11.2020, 25.11.2020 and 10.2.2021 were issued and pretermination was issued on 15.02.2021 and after the same one cheque dated 25.10.2021 for Rs. 2.00 lakh was submitted but the same was also bounced. Vide letter dated 01.03.2021 it was only an intimation that cheque has bounced as pretermination letter was also issued on 15.02.2021. The counsel for the respondent states that still unit can be considered for allotment if the allottee is willing to make the payment along with interest. Both the counsels request for filing written submission not more than two pages within two weeks.

The matter to come up on 19.10.2023 for pronouncement of order.

V.1 - 3

Vijay Kumar Goyal

Member

21.09.2023