



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

**PROCEEDINGS OF THE DAY**

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Day and Date	Tuesday and 16.04.2024
Complaint No.	CR/6624/2022 Case titled as Shagun Gupta VS DLF Homes Developers Limited
Complainant	Shagun Gupta
Represented through	S/Shri Abhey Jain and Rishabh Jain Advocates
Respondent	DLF Homes Developers Limited
Respondent Represented	Shri J.K. Dang Advocate
Last date of hearing	02.04.2024
Proceeding Recorded by	Naresh Kumari and HR Mehta

**Proceedings**

The present complaint has been filed on 12.10.2022 and the respondent has filed the reply on 27.01.2023.

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

Sr. No.	Particulars	Details	
1.	Name of the project	"Independent floors" DLF Alameda , Sector 73 , Gurugram	
2.	Nature of the project	Residential plotted colony	
3.	Unit no.	D 6/4 A first floor (page 20 of the compliant)	
4.	Unit admeasuring	2548 sq. ft. carpet area (page 20 of the compliant and 177 of reply)	2148

5.	Date of allotment	<b>22.11.2021</b> (Page No.35 of the complaint)
6.	Date of execution of buyer's agreement	08.09.2014 as per the complaint but not executed
7.	Possession clause	-
8.	Due date of delivery of possession	<b>Cannot be ascertain</b>
9.	Total sale consideration	R. 3,96,58,658/- (As per allotment letter on page 37 of the complaint)
10.	Total amount paid by the complainant	Rs. 39,65,865/- (As alleged by the complainant in the facts)
11.	Occupation certificate	Not obtained
12.	Offer of possession	Not offered

On 06.06.2022 the respondent stated that the carpet area mentioned in the allotment letter is incorrect and the correct carpet area is **2148** with a total sale consideration of Rs. 3,94,42,566/-. By revising the carpet area and the total sale consideration, the respondent increased the rate of carpet area from Rs.1,67,515.64/- per sq. meter. to Rs. 1,97,559/- per sq. meter.

The counsel for the complainant states that the complainant is seeking allotment of the original carpet area at the price mentioned against the same allotment letter dated 22.12.2021.

The counsel for the respondent has filed list of documents. Written submissions has already been filed by the respondent. He draws attention towards page 4 of the



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written submissions and stated that the all the four floors of this plot of land for the same carpet area i.e. 199.627 sq.mtr. and there is no unit, whose carpet area is around 236 sq.mtrs. As per building plans approved by the DTCP, the property area of the floor in question is 212.405 sq.mt. After deducting the areas under external walls, the carpet area of the floor works out to 199.627 sq.mtrs. including 11.727 sq.mtrs. of basement area. But inadvertently, the area was wrongly mentioned in the application form. On realization, the said error, that was not limited to the unit allotted to the complainant but to several other units in the same project, a letter dated 13.1.2022 conveyed to the RERA Gurugram intimating the correct statement of carpet areas of 29 plots in the project and also update online A to H form and detailed project information.

He further stated that OC has already been obtained as the project has been completed and there is no decrease in carpet area as alleged by the complainants. The respondent has merely rectified the error in application form and allotment letter that occurred due to a bonafide oversight and not on account of any misrepresentation or illegality on the part of the respondent. In case the allotment as per the carpet area and sale price is not accepted by the complainants, the respondent would refund the amount paid by the complainants. No BBA or agreement has been signed between the parties.

The counsel for the complainant stated that although no BBA is signed but the allotment letter issued by the respondent contain broad terms and conditions of allotment and same is signed by both the parties and hence is a binding contract between both the parties and now respondent cannot take any plea, which are beyond the terms and conditions of the allotment letter. Further the allottee wishes to continue in the project and is not interest in refund.



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CR/6624/2022

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

Arguments heard.

Order reserved.

Both the parties may file written submissions, if they so desire with documents, if any, within a period of 15 days, after supplying a copy to each other.

Matter to come up on **23.07.2024** for pronouncement of order.

Ashok Sangwan  
Member

V. I. - S  
Vijay Kumar Goyal  
Member

  
Arun Kumar  
Chairman  
16.04.2024