

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

PROCEEDINGS OF THE DAY		30
Day and Date	Tuesday and 05.03.2024	
Complaint No.	CR/6628/2022 Case titled as Karishma Bisth VS Suposhaa Realcon Private Limited	
Complainant	Karishma Bisth	
Represented through	Shri Sunil Kumar and Aneesh Ahuja, Advocates	
Respondent	1. Suposhaa Realcon Private Limited 2. Suposhaa Realcon Pvt. Ltd. 3. Smartworld Developers Pvt. Ltd. 4. Vivek Singhal (CEO Smartworld Developers) 5. Ruchit Pruthi (Director Chaahat Homes Infratech Pvt. Ltd.) 6. Sushant Bali 7. Hulas Sharma (FOS Manager at Chaahat Homes) 8. Rohit Yadav (Sales Executive Chaahat Homes)	
Respondent Represented	Ms Shriya Takkar, Advocate for R-1 to R-4. Shri Adhtya Chiller for R-5 to R-8.	
Last date of hearing	21.11.2023	
Proceeding Recorded by	H.R.MEHTA	

Proceedings

The present complaint has been filed on 28.10.2022 and the reply was received on 20.02.2023 on behalf of R1 and R2.

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

Sr. No.	Particulars	Details
1.	Name of the project	'Smart World Orchard, Sector -61, Gurugram, Haryana
2.	Nature of the project	Independent floor residence
3.	DTCP License No.	68 of 2021 dated 16.09.2011 Valid up to 15.09.2026
4.	RERA Registered/ Not Registered	RERA registered vide no. 74 of 2021 dated 03.11.2021 Valid up to- 21.12.2024
5.	Unit no.	L-3B [pg. 47 of complaint]
6.	Unit admeasuring	1120 sq. ft. (Page no. 47 of complaint)
7.	Welcome letter dated	16.02.2022 (Page 43 of complaint)
8.	Date of allotment letter	16.02.2022 (Page no.45 of complaint)
9.	Date of execution of buyer's agreement	Not executed
10.	Possession clause	N/A

11.	Due date of delivery of possession	N/A
12.	Total sale consideration	Rs.88,20,000/- (As per payment plan at page 49 of complaint)
13.	Total amount paid by the complainant	Rs.55,28,000/- [as alleged by the complainant on pg. 19 of complaint and denied by the respondent at pg. 26 of reply]
14.	Cancellation letter	04.08.2022 (pg. 90 of reply)
15.	Occupation certificate	-
16.	Offer of possession	-
17.	Remarks	The respondent submitted that the complainant paid only Rs. 18,00,000/- + Rs.2,00,000/- to the respondent and respondent builder refunded the entire amount on 29.09.2022 without any deduction.

The counsel for the complainant states that the complainant agreed to purchase 2 units bearing no. L-3B and L-3C having 1120 sq. ft. each for a consideration of Rs.1,22,89,200/-. The complainant paid booking amount of Rs.2,00,000/- in respect of each unit. Later, it was agreed that the complainant will retain only one unit i.e., L-3B and payment for both the units will be credited in the account of unit no. L-3B only. But an amount of Rs.2,00,000/- is still not credited in the account of unit no. L-3B. Thereafter, two allotment



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letters of even date i.e., 16.02.2022 were issued by the respondent. It is alleged by the complainant that out of these letters, one of the letters was issued by the respondent on back date. Further, it is alleged that after making further payment of Rs.35,28,000/- in cash, the respondent issued a letter dated 25.02.2022 stating that the BSP was reduced from Rs.10,450/- to Rs.7,500/- and the total sale consideration was reduced to Rs.88,20,000/-. Also, the payment plan which was discussed at beginning i.e., 15:85% has not been adhered by the respondent.

Now the complainant is ready to take the possession of the unit and ready to make the outstanding dues..

The counsel for the respondent states that the complainant has applied for allotment of an independent floor through her broker M/s Chaahat Homes Infratech Pvt. Ltd. vide application form dated 05.11.2021 and paid booking amount of Rs.7,50,000/-. The respondent company allotted unit no. L-3B vide allotment letter dated 16.02.2022. The complainant opted for specific payment plan (15:75:10). The respondent has also acceded to the request of the complainant and transferred the amount paid i.e., Rs.2,00,000/- towards unit no. L-3B in the project.

The complainant approached the respondent that the floor be provided in a bare shell condition. The respondent acceded to the request of the complainant and the price of the floor was reduced to Rs.7,500/- per sq. ft. Thus, the cost of the unit was reduced to Rs.88,20,000/- plus other charges. Thereafter, a revised allotment letter was issued by the respondent. The counsel for the respondent denied having cash component by the respondent.

Since, the complainant was not making payment of the outstanding dues and was not coming forward to execute the buyer's agreement, the respondent issued pre-cancellation letter dated 30.07.2022. As the complainant continued to breach the terms of application form, the respondent was constrained to terminate the allotment by issuing cancellation notice date 04.08.2022.

That the complainant has paid Rs.18,00,000/- against the outstanding dues of Rs.48,51,000/-. The respondent refunded the entire amount of Rs.18,00,000/- without any deductions vide RTGS on 28.09.2022. Due to



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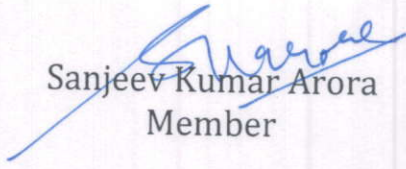
some confusion, the amount of Rs.2,00,000/- was lying in the suspension account. Now, the amount of Rs.2,00,000/- was refunded to the complainant on 15.02.2023 vide RTGS. Thus, the present complaint is infructuous.

Arguments heard.

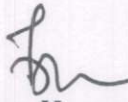
Both the parties are directed to file written submissions within a period of 15 days after supplying a copy to each other.

Order reserved.

Matter to come up on 9.4.2024 for pronouncement of orders.


Sanjeev Kumar Arora
Member


Vijay Kumar Goyal
Member


Arun Kumar
Chairman
05.03.2024