



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

**PROCEEDINGS OF THE DAY**

**8**

Day and Date	Thursday and 21.09.2023
Complaint No.	CR/708/2022 Case titled as Manisha Partap Singh Vs Advance India Projects limited
Complainant	Manisha Partap Singh
Represented through	Ms Daggar Malhotra, Advocate
Respondent	Advance India Projects limited
Respondent Represented through	Shri Harshit Batra, Advocate
Last date of hearing	7.9.2023
Proceeding Recorded by	Naresh Kumari and HR Mehta

**Proceedings**

The present complaint has been received on 22.02.2022 and the reply on behalf of respondent was received on 15.07.2022.

The complainant also filed application for appointment of LC and the said issue was deliberated upon vide proceedings dated 16.11.2022.

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

S. N.	Particulars	Details
1.	Name of the project	"AIPL Joy Central"
2.	Project location	Sector 65, Gurugram
3.	Allotment letter	05.04.2017 [As per page no. 47 of complaint]
4.	Unit No.	96, Ground floor [As per page no. 60 of complaint]



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5.	Unit Area	1386 sq. ft. (super area) [As per page no. 60 of complaint] <b>Revised area - 1385.91 sq. ft.</b> [As per page 65 of reply]
6.	Date of agreement for sale	15.11.2017 [As per page no. 55 of complaint]
7.	Possession clause	<b>44.</b> <i>The company endeavours to hand over the possession of the unit to the allottee within a period of 54 months with a further grace period of 6 months, from 1 September 2017</i> <b>(Emphasis supplied)</b>
8.	Due date of possession	<b>01.09.2022</b> <b>Grace period of 6 months are allowed</b>
9.	Total sale consideration	Rs.3,85,78,190/- [As per statement of accounts dated 22.02.2022 on page 80 of the reply]
10.	Amount paid by the complainant	Rs. 4,14,98,214/- [As per statement of accounts dated 22.02.2022 on page 80 of the reply]
11.	Assured return clause	<b>32.</b> <i>Where the allottee has opted for payment plan as per annexure A attached herewith and accordingly, the company has agreed to pay Rs.2,11,435/- per month by way of assured return to the allottee from 06.05.2017 till the date of issue of</i>



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CR/108/2022

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		<i>notice of possession of the unit.</i>
12.	Amount paid to the complainant by way of assured return	<b>Rs.67,33,231/-</b> <b>As per calculation sheet annexed at page no 79 of the reply</b> <b>The complainant has admitted in his complaint that the respondent had stopped paying assured returns to the complainant from 24.12.2021 on page 5 of the complaint</b>
13.	Occupation certificate	24.12.2021 [As per page 62 of reply]
14.	Offer of possession	22.02.2022 [As per page 65 of reply]

The complainant has already submitted the written submissions on 23.8.2023 and the counsel for the respondent requests for its submission within one week after supplying a copy the complainant.

The complainant present in person states that at the time of booking of the unit, there were different payment plans and the complainant has chosen the construction link payment plan in respect of office unit which is at page 47 of the complaint which clearly provided that 20.50 percent amount shall be demanded on completion of super structure- office block. While the payment has been demanded on 4<sup>th</sup> February,2022 but as per LC report , the super structure in respect of office block was not completed and already is part of their admission dated 16 .11.2022.

However, the counsel for the respondent clarifies that application form at page 30 of the reply at page 51 under clause 44, it has been clarified that the company shall be carrying out extensive development and construction activities in future in the entire area out side the project and the application agreed to not raise any objection for the same. Further stated that since the unit is in retail block and hence condition of completion of super structure of office block in the agreement was also only inadvertently.



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Counsel for the respondent shall file written submissions within a week with an advance copy to the counsel for the complainant.

Order reserved.

Matter to come up on 19.10.2023 for pronouncement of orders.

V.1 - 3  
Vijay Kumar Goyal  
Member  
21.09.2023