



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		47
Day and Date	Tuesday and 01.07.2025	
Complaint No.	CR/7318/2022 Case titled as Tanuj Shori through its authorized representative Piyush Bothra VS ATS Infrastructure Limited	
Complainant	Tanuj Shori through its authorized representative Piyush Bothra	
Represented through	Shri Hemant Kumar Yadav Adv.	
Respondent	ATS Infrastructure Limited	
Respondent Represented through	Shri Shubham Dayma Adv. for R3 Ms. Shivani Dang Adv. for R1 to R5 and R9 to R14.	
Last date of hearing	18.03.2025	
Proceeding Recorded by	Naresh Kumari and HR Mehta	
Proceedings The present complaint has been filed on 08.12.2022 and the reply was received on 06.12.2023 by the respondent no. 5, 6,7. However no reply has been filed by the respondent no. 1 to 4, R 8 to R 10, R 11 to R13. Vide proceeding dated 09.01.2024, the counsel for respondent No 1 to 4 and Respondent No. 8 to 13 requests for one final opportunity to file reply within one week which could not be filed due to some complexity and further undertakes for filing reply within one week and if the reply is not filed in one week, then the defense shall be struck off. Till date no reply has been filed by the respondents. Vide proceedings dated 20.04.2023 the respondent was asked to give an explanation for not handing over the possession till now and hence why refund should not be allowed along with interest from the date of deposit of amount.		



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Nothing has been filed till date.

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

S. N.	Particulars	Details
1.	Name of the project	"Ats Kocoon", Sector-109, Gurugram, Haryana.
2.	Nature of the project	Residential Project
3.	RERA Registered/ not registered	Not Registered
4.	Allotment Letter by Chintels Pvt. Ltd.	09.05.2012 (Page 40 of the complaint)
5.	Flat no.	T1-1223 22 ND Floor tower 1 (Page no. 20 of reply)
6.	Unit admeasuring	Super Area- 2095 sq. ft. (Page no. 21 of complaint)
7.	Indemnity cum undertaking for carrying out interior fit out where it is stated the handover is given to the complainant dated	08.10.2021 [page 47 of reply]
8.	Email by respondent apologizing for delay in handing over the possession of the unit	23.08.2022 [pg. 74 of complaint]
9.	Flat Buyer Agreement executed between the complainant and M/s Umritha Infrastructure development LLP	08.06.2012 [Page no. 17 of reply]
10.	Possession clause	11. Time of handing over possession Barring unforeseen circumstances and Force Majeure events as stipulated hereunder, the possession of the said Apartment is proposed to be, delivered by the Company to the Allottee within 36 months (three years) with a grace period of six months (hereinafter referred to as "the Stipulated: Date") from the date of actual start of the construction of a particular Tower Building in which the registration for allotment is made, subject



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		<i>always to timely payment of all charges including the Basic Sale Price* Stamp Duty, Registration Fees and Other Charges as stipulated herein or as may be demanded by the Company from time to time in this regard. The date of actual start of construction shall be the date on which the foundation of: the particular Building in which the said Apartment is allotted shall be laid as per certification by the Company's Architect/Engineer-in-charge of the Complex and the said certification shall be final and binding on the Allottee.</i>
11.	Due date of delivery of possession	08.06.2015
12.	Total sale consideration	Rs. 1,27,57,990/- (as per BBA on page 21 of reply)
13.	Total amount paid by the complainant	Rs. 1,33,18,390/- (as alleged by the complainant in the facts)
14.	Occupation certificate	Cannot be ascertained
15.	Offer of possession	Not offered

Facts: Respondents no. 2, 3 & 4 are the Directors of the respondent no.1 taking care of all the functions and day to day management of the company. The respondent's no. 6 & 7 are the Directors of the respondent no.5 taking care of all the functions and day to day management of the company. That the respondent No. 08 is a Limited Liability Partnership firm incorporated on 04 March 2010. The respondent no. 1 & 7 through various social media platforms had approached complainant with a proposal to sell flats in one project namely ATS KOCOON. It is stated that said project shall be developed by the respondent no. 01 and promoted by the respondent no. 5, however the payments shall be collected only in the favor of the respondent no. 5. It is pertinent to mention here that the said project was developed by both the respondent's no. 01 & 05 in joint venture developed by respondent no.01.

Amended memo of parties is taken on record.

Arguments heard.

Order reserved.

Parties may file brief written submissions within a period of 2 weeks with an



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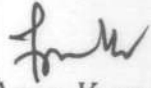
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advance copy to each other.

Matter to come up on 05.08.2025 for pronouncement of order.

Ashok Sangwan
Member


Arun Kumar
Chairman
01.07.2025