

PROCEEDINGS OF THE DAY		33
Day and Date	Thursday and 11.01.2024	
Complaint No.	CR/7340/2022 Case titled as Harish Kumar VS Revital Reality Private Limited	
Complainant	Harish Kumar	
Represented through	Shri Raman Kumar Advocate	
Respondent	Revital Reality Private Limited	
Respondent Represented	Shri Bhriugu Dhami Advocate	
Last date of hearing	30.11.2023	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings

On the last date of hearing, the counsels for both the parties are directed to file details of amount paid to the respondent-promoter. The complainant has filed the outstanding dues statement issued by the respondent in which it has been admitted by the respondent that the amount received is Rs.14,63,252/-. The counsel for the respondent has also placed on record a copy of customer statement confirming the receipt of an amount of Rs.14,63,252/- but requests for exclusion of Rs.2411/- credited in the account on account of discount and the net amount paid by the complainant allottee comes to Rs.14,60,841/- and duly agreed by the complainant.

The counsel for the respondent further confirms that structure work is complete and OC has not yet been received so far. The counsel for the complainant alongwith the complainant present in person states that complainant is not interested in continuing in the project and requests for refund of total amount alongwith interest in view of the inordinate delay in completion of the project and offer of possession.



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हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

New PWD Rest House, Civil Lines, Gurugram, Haryana

नया पी. डब्ल्यू. वी. विभाग गृह, सिविल लाईन, गुरुग्राम, हरियाणा

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

S.No.	Particulars	Details
1.	Name of the project	"Supertech Basera, Sector- 79-B, Gurugram.
2.	Nature of the project	Residential
3.	RERA Registered/ not registered	Registered vide no. 31 of 2018 dated 14.12.2018 valid up to 31.10.2023
4.	Unit no.	R034T701102/FLAT #1102, 11 th Floor, Tower-7 (As per page no. 18 of the complaint)
5.	Area admeasuring	Carpet Area 473 sq. ft. + Balcony Area 73 sq. ft. (Carpet area mentioned in the buyer's agreement)
6.	Offer of allotment	19.09.2015 (Page no. 34 of the complaint)
7.	Date of execution of flat buyer's agreement	04.01.2016 (As per page no. 17 of the complaint)
8.	Possession clause	3. POSSESSION OF THE UNIT <i>3.1 Subject to Force Majeure circumstances, intervention of Statutory</i>



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		<p><i>Authorities, receipt of occupation certificate and allottee/buyer having timely complied with all its obligations, formalities or documentation, as prescribed by developer and not being in default under any part hereof and flat buyer's agreement, including but not limited to the timely payment of installments of the other charges as per the payment plan, stamp duty and registration charges, the developer proposes to offer possession of the said flat to the allottee/buyer within a period of 4 years from the due date of approval of building plans or grant of environment clearance, (herein after referred to as the "Commencement Date"), whichever is earlier</i></p> <p>(As per page no. 21 of the complaint)</p>
9.	Date of approval of building plan	19.12.2014 (As per page no. 17 of the complaint)
10.	Date of Environmental Clearance	22.01.2016 (As per page 26 of the reply)
11.	Total sale consideration	Rs.19,28,500/- (As per payment schedule page no. 19 of the complaint)



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12.	Amount paid by the complainants	Rs.14,63,252/- (As per outstanding dues statement dated 01.08.2019 on page no. 56 of the complaint)
13.	Due date of possession	22.01.2020 (Calculated from date of Environment Clearance i.e., 22.01.2016)
14.	Occupation Certificate	Not obtained
15.	Offer of possession	Not offered

Arguments heard.

Refund is allowed alongwith the prescribed rate of interest i.e. 10.85% per annum from the date of each deposit till its realization within a period of 90 days. No third party rights in respect of unit of the complainant shall be created by the respondent till realization of the amount paid by the complainant.

Matter stands disposed off. Detailed order will follow.

V.1 - 3
Vijay Kumar Goyal
Member
11.01.2024