



**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

<b>PROCEEDINGS OF THE DAY</b>		<b>60</b>
Day and Date	Tuesday and 09.05.2023	
Complaint No.	CR/7542/2022 Case titled as Durga Devi Vs Imperia Wishfield Private Limited	
Complainant	Durga Devi	
Represented through	Complainant in person with Shri Ankit Bhasin Advocate	
Respondent	Imperia Wishfield Private Limited	
Respondent Represented through	Ms. Antara Mishra Advocate	
Last date of hearing	First hearing	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

### **Proceedings**

The counsel for the complainant states that unit was booked by the complainant in the year 2013 and the total amount of Rs. 39,96,764/- has been paid against a total sale consideration of Rs.47,68,104/-. No occupation certificate has been received for the project and the complainant is seeking refund of the amount deposited alongwith interest.

The counsel for the respondent states that an application for impleadment of M/s Prime IT Solutions Pvt. Ltd. has been made on the grounds that the present respondent company has been created as a joint venture between the respondent and M/s Prime IT Solutions Pvt. Ltd. for the purpose of this project. A compromise decree was passed on 12.01.2016 in the Gurugram Civil Court between the two entities.

The counsel for the complainant states that this matter has already been decided in CR No. 4942 of 2020 decided on 14.12.2022 in case titled as Kishore Kumar Bhimwal versus Imperia Wishfield Pvt. Ltd. He further states that the BBA was signed between the complainant and the present respondent who was duly authorized to sign the same. Further, the plaintiff



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cannot be bound to implead another party against his will. The amount of the consideration paid by the complainant was to M/s Imperia Wishfield Pvt. Ltd. Therefore, the application for impleadment may be declined.

Arguments for impleadment of M/s Prime IT Solutions Pvt. Ltd. heard. The application is declined since the BBA was signed between the complainant and the respondent and the complete amount of consideration was paid by the complainant to the respondent who is M/s Imperia Wishfield Pvt. Ltd. Further, the complainant was not privy to the compromise agreement between the respondent and M/s Prime IT Solutions Pvt. Ltd. The respondent cannot shy away from its responsibility w.r.t the obligation towards the complainant.

Arguments heard on the main complaint heard.

Admittedly, the occupation certificate for the project has not been received till date. The complainant is a senior citizen and is waiting for possession of unit for a decade and still there is no hope for the same.

The counsel for the respondent states that the delay in handing over of the project has been on account of M/s Prime IT Solutions Pvt. Ltd. due to their non-performance of contractual obligations.

Full refund is allowed at the prescribed rate of interest i.e. 10.70% per annum from the date of deposit of amount till its realization.

Detailed order will follow. Matter stands disposed off. File be consigned to the registry.

  
Sanjeev Kumar Arora  
Member

  
Ashok Sangwan  
Member  
09.05.2023