

PROCEEDINGS OF THE DAY		53
Day and Date	Tuesday and 03.09.2024	
Complaint No.	CR/760/2023 Case titled as Aman Kathuria VS Ocean Seven Buildtech Private Limited	
Complainant	Aman Kathuria	
Represented through	Shri B.L Jangra Advocate	
Respondent	Ocean Seven Buildtech Private Limited	
Respondent Represented through	Shri Arun Yadav Advocate	
Last date of hearing	21.05.2024	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings

The present complaint was filed on 01.03.2023. Despite multiple opportunities to the respondent, the respondent has failed to file reply till date. In view of the above, the defence of the respondent was struck off by the authority vide order dated 22.11.2023. Vide order dated 09.01.2024, the authority gave final opportunity to the respondent to file reply in registry within a period of 10 days and was also directed to pay cost of Rs. 5,000/- to the complainant before next date of hearing. However, the respondent has failed to file reply in the registry of the authority till date.

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

S. No.	Particulars	Details
1.	Name of the project	The Venetian, Sector- 70, Gurugram, Haryana
2.	Project area	5.10 acres
3.	Nature of the project	Affordable group housing colony
4.	DTCP license no. and	103 of 2019 dated 05.09.2019
	License validity status	Valid upto 04.09.2024
	Name of licensee	Shree Ratan Lal and others in collaboration with M/s Ocean Seven Buildtech Pvt. Ltd.



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हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

CR/160/2023

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

5.	Building plan approval dated	07.02.2020
6.	Environment clearance dated	Not obtained till date
7.	RERA Registered/ not registered	Registered vide no. 39 of 2020 dated 27.10.2020 Valid up to 02.09.2024
8.	Allotment letter	09.03.2021 [Page 18 of complaint]
9.	Builder buyer agreement	Not executed
10.	Flat no.	1206, 12 th floor, tower 1 [Page 18 of complaint]
11.	Unit admeasuring	571.105 sq. ft. of carpet area and 98 sq. ft. balcony area (Page 18 of the complaint)
12.	Possession clause as per Affordable housing policy, 2013	1(IV) of the Affordable Housing Policy, 2013 <i>All such projects shall be required to be necessarily completed within 4 years from the approval of building plans or grant of environmental clearance, whichever is later. This date shall be referred to as the "date of commencement of project" for the purpose of this policy. The licenses shall not be renewed beyond the said 4 years period from the date of commencement of project</i>
13.	Due date of possession	Cannot be ascertained
14.	Total sale price of the flat	Rs. 23,33,420/- [As alleged by the complainant at page 13 of complaint]
15.	Amount paid by the complainant	Rs. 8,83,785/- [As alleged by the complainant at page 13 of complaint]
16.	Surrender/Cancellation by the complainant through letter dated	15.02.2022 [page 20 of complaint]
17.	Surrender/Cancellation by the complainant through email dated	25.03.2022 [Page 24 of complaint]

The counsel for the complainant is seeking refund of the deposited amount along with prescribed rate of interest as the EC has not yet been obtained till date and the construction of the project has not yet been started. The counsel



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for the respondent states that refund be allowed as per Affordable Group Housing Policy, 2013

Arguments heard.

In view of the same, the respondent is directed to **refund** the entire amount paid by the complainant along with interest @ 11.10% per annum from the date of each payment till the actual date of refund of the deposited amount as per provisions of section 18(1) of the Act read with rule 15 of the rules, 2017.

Detailed order will follow. Matter stands disposed off.

Ashok Sangwan
Member

Arun Kumar
Chairman
03.09.2024

Vijay Kumar Goyal
Member