

PROCEEDINGS OF THE DAY		6
Day and Date	Wednesday and 05.07.2023	
Complaint No.	CR/7710/2022 Case titled as Rajnish Mohan Vs Imperia Wishfiled Private Limited	
Complainant	Rajnish Mohan	
Represented through	Ms. Priyanka Agarwal Advocate	
Respondent	Imperia Wishfiled Private Limited	
Respondent Represented	Ms. Antra Mishra Advocate	
Last date of hearing	First hearing	
Proceeding Recorded by	Naresh Kumari and HR Mehta	
Proceedings		
The present complaint was filed on 09.01.2023 and reply on behalf of respondent was filed on 28.06.2023.		
S. N.	Particulars	Details
1.	Name and location of the project	"Elvedor" at Sector 37 C, Gurugram
2.	Nature of the project	Commercial Project
3.	Project area	2 acres
4.	DTCP license no.	47 of 2012 dated 12.05.2012 valid upto 11.05.2016
5.	Name of licensee	M/s Prime IT Solutions Pvt. Ltd.
6.	RERA Registered/ not registered	Not registered

7.	Unit no.	Shop F-45 (as per latest demand letters dated 05.06.2018 and 31.08.2017 on page no. 27-29 of complaint)
8.	Unit area admeasuring (super area)	156 sq. ft. (as per latest demand letters dated 05.06.2018 and 31.08.2017 on page no. 27-29 of complaint)
9.	Date of booking	10.09.2012 (as per statement of account on page no. 13 of reply)
10.	Welcome Letter	22.09.2012 (page no. 26 of complaint)
11.	Date of allotment letter	10.01.2013 (as per statement of account on page no. 13 of reply)
12.	Date of builder buyer agreement	Not executed
13.	Possession clause	Not provided
14.	Due date of possession	Cannot be ascertained
15.	Total sale consideration	Rs. 18,81,516/- (as per the statement of account on page no. 13 of reply)
16.	Amount paid by the complainant	Rs. 4,53,960/- [as per the statement of account on page no. 13 of complaint]
17.	Occupation certificate	Not obtained
18.	Offer of possession	Not obtained



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


Arguments heard.

The BBA in this matter has not been signed. It is an admitted fact that construction of the project is still incomplete even after 10 years of allotment of the unit to the complainant. The due date, if taken as 3 years from the date of allotment would come to 2016. The complainant is seeking refund of the amount deposited against the unit on account of inordinate delay in handing over of possession under section 18 of the Act, 2016.

The counsel for the respondent states that all efforts are being made by the respondent to complete the construction but no application for occupation certificate has yet been made and the project may be completed by 2025.

In view of the above, the complainant is found to have a fit case for refund of the amount deposited. It is hereby ordered that the amount deposited by the complainant shall be refunded to the complainant alongwith interest at the prescribed rate of 10.70% per annum from the date of deposit till the date of payment.

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


Ashok Sangwan
Member
05.07.2023