



**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 लाईन्स, गुरुग्राम, हरियाणा

**PROCEEDINGS OF THE DAY**

**18**

|                                |                                                                                          |
|--------------------------------|------------------------------------------------------------------------------------------|
| Day and Date                   | Friday and 25.04.2025                                                                    |
| Complaint No.                  | CR/773/2024 Case titled as Vishal Verma VS Nani Resorts And Floriculture Private Limited |
| Complainant                    | Vishal Verma                                                                             |
| Represented through            | Shri Bhajan Lal Jangra Advocate                                                          |
| Respondent                     | Nani Resorts And Floriculture Private Limited                                            |
| Respondent Represented through | Shri Garvit Gupta, Advocate                                                              |
| Last date of hearing           | 28.02.2025                                                                               |
| Proceeding Recorded by         | Naresh Kumari and HR Mehta                                                               |

**Proceedings**

The present complaint has been received on 12.03.2024 and reply on behalf of respondent was received on 02.08.2024.

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

| S.No. | Particulars                   | Details                                            |
|-------|-------------------------------|----------------------------------------------------|
| 1.    | Name of the project           | "ROF AALAYAS" sector- 102, Gurugram                |
| 2.    | Project area                  | 5 acres                                            |
| 3.    | Nature of project             | Affordable Group Housing                           |
| 4.    | DTCP License no. and validity | 11 of 2014 dated 10.06.2014 valid up to 09.08.2019 |
| 5.    | Name of licensee              | Nani Resorts & Floriculture Pvt. Ltd.              |



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|     |                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                             |
|-----|--------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 6.  | RERA registered/not registered and validity      | Registered vide no. 33 of 2019 dated 03.07.2019 valid up to 4 years from the date of environmental clearance i.e., 05.01.2015                                                                                                                                                                                                                                                                                               |
| 7.  | Allotment Letter                                 | 15.09.2015<br>(Page 20 of complaint)                                                                                                                                                                                                                                                                                                                                                                                        |
| 8.  | Unit no.                                         | F-804, 8 <sup>th</sup> floor, tower/block- F<br>(As per page no. 25 of the complaint)                                                                                                                                                                                                                                                                                                                                       |
| 9.  | Unit measuring                                   | 428 sq. ft (carpet area) & 54.08 sq. ft.(balcony area)<br>(As per page no. 25 of the complaint)                                                                                                                                                                                                                                                                                                                             |
| 10. | Date of approval of building plans               | 26.03.2015<br>(As per page no. 33-38 of the reply)                                                                                                                                                                                                                                                                                                                                                                          |
| 11. | Date of grant of environment clearance           | 05.01.2015<br>[As per page no.39-48 of the reply]                                                                                                                                                                                                                                                                                                                                                                           |
| 12. | Date of execution of apartment buyer's agreement | 02.01.2016<br>(As per page no. 23 of the complaint)                                                                                                                                                                                                                                                                                                                                                                         |
| 13. | Possession clause                                | <b>3. Possession</b><br><br><i>3.1 Unless a longer period is permitted by the DGTCP or in the policy and subject to the force majeure circumstances as stated in clause 16 hereof, intervention of statutory authorities, receipt of occupation certificate and timely compliance by the apartment buyer(s) of all his/her/their obligations, formalities and documentation as prescribed by the developer from time to</i> |



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|     |                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|-----|--------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|     |                                      | <p><i>time and not being in default under any part of this agreement, including but not limited to timely payment of instalments of the total cost and other charges as per the payment plan, stamp duty and registration charges, the developer proposes to offer possession of the said apartment to the apartment buyer(s) within 4 (four) years from the date of approval of building plans or grant of environment clearance, whichever is later.....</i></p> <p>(As per page no. 29 of the complaint)</p> |
| 14. | Due date of possession               | <p>26.03.2019</p> <p>[<b>Note:</b> Due date of possession can be calculated by the 4 years from approval of building plans i.e., 26.03.2015, being later.]</p>                                                                                                                                                                                                                                                                                                                                                  |
| 15. | Total sale consideration             | <p>Rs.17,40,640/-</p> <p>(As per page no. 49 of the complaint)</p>                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 16. | Total amount paid by the complainant | <p>Rs.10,00,390/-</p> <p>(As stated by the complainant)</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 17. | Occupation certificate               | Not obtained for Tower-F                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 18. | Offer of possession                  | Not offered                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 19. | Demand and reminder letters          | <p>08.08.2016 , 15.05.2018 , 01.06.2018 , 15.06.2018</p> <p>(Page 93-97 of reply)</p>                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 20. | Cancellation                         | <p>13.07.2018</p> <p>( Page 101 of reply )</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |



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|     |                                                                |                                                                    |
|-----|----------------------------------------------------------------|--------------------------------------------------------------------|
|     |                                                                | Cheque placed for refund of Rs. 6,01,911/-<br>at page 104 of reply |
| 21. | Unit re allotted to other<br>person i.e Mrs. Shakuntla<br>Devi | 23.10.2020<br><br>(Page 103 of reply)                              |

The complainant is seeking refund of the deposited amount with interest. Further states that the due to slow progress in the project, further payments were not made leading to cancellation of the unit on 13.07.2018. But despite repeated follow up, no refund has been made and on 13.01.2024 the complainant was informed that refund cheque is in progress and after signature of Mohit Sir, the complainant will be informed (Annexure C-7). Therefore, the complainant requests for interest on the refundable amount post cancellation.

The counsel for the respondent states that after making valid cancellation as per Affordable Policy, the complainant was informed on 13.07.2018 itself to collect the cheque of refundable amount after deduction. A photocopy of cheque of Rs. 6,01,911/- was also attached. However, the counsel for the complainant clarifies that the above deductions were not as per law and only Rs. 25,000/- can be deducted hence not collected.

Arguments heard.

The cancellation is valid. The respondent to refund the paid up amount after deduction of Rs. 25,000/- as per Affordable Housing Policy and return the balance amount with interest at the prescribed rate i.e. 11.10% p.a. till its realization.

Matter stands disposed of. Detailed order will follow.

V.I.

Vijay Kumar Goyal

Member

25.04.2025