

PROCEEDINGS OF THE DAY		41
Day and Date	Thursday and 26.10.2023	
Complaint No.	CR/8046/2022 Case titled as Vinod Kumar Sibal V/S Sepset Properties Private Limited	
Complainant	Vinod Kumar Sibal	
Represented through	Shri Rakesh Sibal, brother of the complainant	
Respondent	Sepset Properties Private Limited	
Respondent Represented through	Shri Himanshu Singh, Advocate	
Last date of hearing	20.7.2023	
Proceeding Recorded by	Naresh Kumari and HR Mehta	
Proceedings The complainant filed the present complaint on 24.01.2023 and the reply was received on 21.07.2023. Succinct facts of the case are as under:		
S.N.	Particulars	Details
1.	Name of the project	Paras dew's , Gurugram
2.	Rera Registered	118 of 2017 dated 28.08.2017 valid upto 31.07.2021
3.	Allotment	-
4.	Date of builder buyer agreement	30.05.2013 (page 40 of complaint)
5.	Unit no.	03 tower E, 4 th floor, 6 th floor admeasuring 128.670 sq.ft.



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हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

UR/8046/2022

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

		(page 15 of complaint)
6.	Possession clause	3.1 possession The seller proposes to handover possession of the apartment to within a period of 42 months with an additional grace period of 6 months from the date of execution of this agreement or date of obtaining all licenses or approvals for commencement of construction whichever is later (Emphasis supplied)
7.	Environmental clearance	06.09.2013 (Page 29 of reply)
8.	Due date of possession	06.09.2017 (Calculated from the date of environmental clearance i.e 06.09.2013) Grace period of 6 months is allowed being unqualified
9.	Total sale consideration	Rs. 1,02,75,946/- (Page no. 25 of reply)
10.	Paid up amount	Rs. 88,88,014/- (Page no. 26 of reply)
11.	Occupation certificate	26.04.2023 (page 22 of reply)
12.	Offer of possession	26.04.2023 (page 76 of reply)

The AR of the complainant states that the possession as per BBA was to be handed over by 6.9.2017 and after waiting for more than 5 years, the above



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complaint has been filed for seeking refund of the amount deposited alongwith interest as the complainant is no more interested to continue in the project.

The counsel for the respondent states that OC in respect of the unit of the complainant-allottee has been obtained on 26.4.2023 after completing the unit and offer of possession has been made on 26.4.2023 and respondent is willing to handover the possession after payment of outstanding amount due towards the allottee. However, the complainant is not interested in continuing in the project.

The respondent is willing to amicably settle the matter. However, the complainant is not interested in continuing in the project and is seeking refund of the amount with interest as per statutory right under section 18(1) of the Act, 2016 as the complaint has been filed before obtaining OC and offer of possession and hence the allottee is entitled for full refund with prescribed interest.

Arguments heard.

Order reserved.

Matter to come up on 21.12.2023 for pronouncement of orders, if the matter is not amicably settled by that time.

V.1-3
Vijay Kumar Goyal
Member
26.10.2023