

NEW FWD Rest House, Civil Lines, Gurugram, Haryana

PROCEEDINGS OF THE DAY		10
Day and Date	Thursday and 15.05.2025	
Complaint No.	CR/841/2023 Case titled as Dr. Prashant Kumar VS Imperia Structures Limited	
Complainant	Dr. Prashant Kumar	
Represented through	Shri Pushkar Rai Garg Advocate	
Respondent	Imperia Structures Limited	
Respondent Represented	Shri Shubham Mishra Advocate	
Last date of hearing	27.02.2025	
Proceeding Recorded by	Naresh Kumari and HR Mehta	
Proceedings		
The present complaint was filed on 09.03.2023 and registered as complaint no. 841 of 2023 and the reply behalf of respondent was received on 16.08.2023. On hearing dated 30.11.2023, the counsel for the respondent stated that the CIRP proceedings have been initiated against the respondent company vide orders dated 16.10.2023 by the Hon'ble NCLAT, New Delhi. Keeping in view the orders of Hon'ble NCLAT the present complaint was adjourned sine die. Now, the CIRP proceedings against the company have been set aside by the Hon'ble NCLAT, the counsel for the complainant has moved an application for restoration of complaint on 24.09.2024. On hearing dated 07.11.2024, the application for restoration was allowed. On 06.03.2025, the counsel for the respondent filed an application to bring on record the documents in which it is mentioned that the unit of the complainant was cancelled vide cancellation letter dated 28.10.2024 on account of non-payment after issuing various reminders as well as pre-cancellation notice dated 28.08.2024.		
S. No.	Particulars	Details
1.	Name and location of the project	"The Esfera" Phase 1, Sector 37 C, Gurugram



HARERA
GURUGRAM

HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

CR/841/2023

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

2.	Nature of the project	Group Housing
3.	Project Area	17 acres
4.	DTCP license no. and validity	64 of 2011 dated 16.07.2011 valid up to 15.07.2024
5.	Name of licensee	Prime IT Solutions Pvt. Ltd. and 4 others
6.	Unit no.	1903, 19 th floor & Block-C (As per page no. 26 of the complaint)
7.	Unit area admeasuring	1815 sq. ft. (Super area) (As per offer of possession on page no.11-12 of additional documents submitted by the respondent) (Note: Area was increased to 1815 sq. ft. from 1650 sq. ft.)
8.	Allotment letter	01.02.2013 (As per page no. 17 of the complaint)
9.	Date of execution of buyer's agreement	15.03.2013 (As per page no. 24 of the complaint)
10.	Possession clause	<i>10.1 Schedule for possession of the said apartment</i> <i>The developer/company based on its present plans and estimates and subject to all just exceptions, contemplates to complete construction of the said building/said apartment within a period of three and half years from the date of execution of this agreement unless there shall be delay or there shall be failure due to reasons mentioned in clause 11.1, 11.2, 11.3 & clause 41.....</i> (As per page no. 40 of the compliant)
11.	Due date of possession	15.09.2016 (Note: Due date to be calculated three and half years from the date of execution of agreement i.e., Rs.15.03.2013)



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

12.	Total sale consideration	Rs.84,11,250/- (As per page no. 30 of the complaint) Rs.88,44,970/- (including taxes) (As per SOA on page no. 69 of the complaint)
13.	Amount paid by the complainant	Rs.82,96,239/- (As per SOA on page no. 69 of the complaint) Rs.83,35,411/- (As claimed by the complainant during the course of proceedings and as per details given in tabular forum on page no. 13 and 14)
14.	Occupation Certificate	12.07.2024 (As per page no. 08 of the additional documents submitted by the respondent)
15.	Offer of possession cum demand letter	17.07.2024 (As per page no. 11-12 of additional documents submitted by the respondent)
16.	Reminder letter	17.08.2024 (As per page no. 16 of application by respondent to bring on record the documents)
17.	Pre-cancellation notice/reminder-2	28.08.2024 (As per page no. 17 of application by respondent to bring on record the documents)
18.	Final cancellation notice	28.10.2024 (As per page no. 18 of application by respondent to bring on record the documents)

The counsel for the complainants states that an amount of Rs.83,35,411/- is paid against the total sale consideration of Rs.84,11,250/- as per buyer's



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

agreement. Further he mentioned that the escalation charges are to be charged as per the clause 4 on page no. 31 of the complaint and as per clause 9.2 of the buyer's agreement, and alteration/modification up to 10% is allowed with prior information to the complainants-allottees and the same was informed to the complainants on offer of possession dated 15.03.2024 which was never received by the complainants.

The counsel for the respondent states that the unit was terminated on account of non-payment vide cancellation notice dated 28.10.2024 after issuing due reminder dated 17.08.2024 and a pre-cancellation dated 28.08.2024. The occupation certificate of the unit was received on 13.03.2024 and offer of possession was made on 15.03.2024 and on 17.07.2024. He further states that the third-party rights have also been created on the unit of the complainants after the termination of the unit.

Arguments heard.

In view of the above, the cancellation is bad in the eyes of law and the respondent is directed to set-aside the same.

The respondent is directed to handover the possession of the unit and to pay interest on the paid-up amount by the complainants at the prescribed rate of 11.10% p.a. for every month of delay from the due date of possession i.e., 15.09.2016 till offer of possession 17.07.2024 plus two months i.e., 17.09.2024.

Detailed order will follow. Matter stands disposed off.

V.I. 3
Vijay Kumar Goyal
Member
15.05.2025