



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

PROCEEDINGS OF THE DAY		47
Day and Date	Thursday and 19.10.2023	
Complaint No.	CR/855/2023 Case titled as Shalini Kumar and Vikas Kumar V/S Black Berrey Realcon Private Limited	
Complainant	Shalini Kumar and Vikas Kumar	
Represented through	Shri Abhey Jain, Advocate	
Respondent	Black Berrey Realcon Private Limited	
Respondent Represented through	Shri Himanshu Singh, Advocate	
Last date of hearing	29.8.2023	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings

The present complaint has been received on 07. 03.203 Written Statement on behalf of respondent has been received on 13.10.2023. Vide order dated 29.08.2023, the counsel for the respondent undertakes to file the reply within 10 days failing which cost of Rs.5,000/- be paid to the complainant on next hearing. The respondent has filed an application for waiver of cost was imposed of the said order.

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

S. N.	Particulars	Details
1.	Name and location of the project	Paras Project, Sector 63 A, Gurugram
2.	Nature of the project	Commercial Project
3.	Project area	2.20 acres
4.	DTCP license no.	23 of 2013 dated 17.05.2023



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5.	Name of licensee	Yule Prop build Pvt. Ltd C/o Blackberry Realcon Pvt. Ltd.
6.	RERA Registered/ not registered	Registered GGM/281/2018/13 Dated 06.09.2018 valid upto 31.12.2018
7.	Date of booking	27.04.2013 (As per annexure 1, at Pg 29 of complaint)
8.	Date of Allotment	05.08.2013 (Pg. no. 49 of Complaint)
9.	Welcome Letter	09.08.2013 (Pg. no 50 of Complaint)
9.	Apartment No.	ST/0703 (page no. 49 of Complaint)
10	Unit Type	Studio
11.	Unit area admeasuring	870 sq. ft. (page no. 49 of complaint)
12.	Date of builder buyer agreement	Not executed
13.	Possession clause	NA
14.	Surrender Letter	28.11.2014 (Pg. 53 of Complaint)
15.	Total sale consideration	Rs.83,27,490 As per Annexure 1 at pg. 29 Complaint



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16.	Amount paid by the complainant	Rs.15,57,287/- As per Annexure 1 at pg. 29 complaint
17.	Occupation certificate	Not received

The reply of the respondent is on record in which the respondent has stated that the present complaint is not maintainable and barred by limitation.

The counsel for the complainant states that despite repeated requests for refund of the deposited amount after deduction of 10% earnest money, no refund has been made to the complainant and hence requests for seeks refund of the deposited amount after forfeiture of 10% of the basic sale price with interest.

After making request for surrender of the unit on 28.11.2014 the complainant follow up the matter for refund vide letter dated 25.7.2016 and again e-mail request in April, 2017 followed by repeated visits. A mail request was also sent on February, 2021 and hence case is not barred by limitation.

During the course of hearing, Counsel for the respondent appeared and states that reply has already been filed and the present complainant is not maintainable and barred by limitation.

In view of the above, refund is allowed after deduction of 10% of the basic sale price alongwith prescribed rate of interest i.e. 10.75% per annum.

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

V.1-3
Vijay Kumar Goyal
Member
19.10.2023