

PROCEEDINGS OF THE DAY		6
Day and Date	Wednesday and 15.03.2023	
Complaint No.	CR/97/2021 Case titled as PRABHAT KUMAR Vs IMPERIA WISHFIELD PRIVATE LIMITED	
Complainant	PRABHAT KUMAR	
Represented through	Complainant in person	
Respondent	IMPERIA WISHFIELD PRIVATE LIMITED & Prime IT Solution Pvt. Ltd.	
Respondent Represented	Shri Himanshu Singh Adv. for R1 Shri J.K.Dang Advocate for R2	
Last date of hearing	20.12.2022	
Proceeding Recorded by	Naresh Kumari and HR Mehta	
Proceedings The present complaint has been filed on 21.01.2021 and the reply on behalf of respondent no. 1 was received on 13.09.2022 and on behalf of respondent no. 2 was received on 14.09.2022. The complainant in person states that the subject unit was allotted by respondent No.1 - IMPERIA WISHFIELD PRIVATE LIMITED on 23.10.2013 and the due date for offer of possession was 21.02.2019. However, no OC has been received nor any offer of possession has been made. The complainant has already paid an amount of Rs. Rs. 12,45,710/- against a total sale consideration of Rs.16,88,896/-. The complainant is now requesting for refund of the amount deposited with interest as prescribed under the Act, 2016. The counsel for respondent No.1 submits that there is a collaboration agreement dated 06.12.2012 between respondent No.1 and 2 for joint development of the project and both the respondents are liable for the refund.		



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 लाइंस, गुरुग्राम, हरियाणा

The counsel for respondent No.2 states that the allotment was made by respondent No.1 and the consideration amount was also received by respondent No.1 and the sole responsibility for developing the project as well as honouring the commitments made to the complainant-allottee lie with respondent no.1. Further, the counsel for respondent No.2 refers to compromise decree before Civil Judge, Gurugram dated 21.01.2016 wherein the project was to be developed by respondent No.1. He further points out that respondent No.1 in para 12 of the reply to the complaint requests for grant of 12 months time to complete the project enabling them to initiate possession related activities within this extended period. In view of the above, the respondent No.2 has no liability in the present matter. The counsel for respondent No.2 has also submitted documents pertaining to FIR registered against respondent No.1 and other communications in support of arguments.

The counsel for respondent No.1 requests for a short adjournment since she has been recently engaged.

Arguments heard.

Order reserved.

In case respondent No.1 wishes to submit additional arguments, they may do so within a period of one week.

Matter to come up on **26.04.2023** for pronouncement of order.

Ashok Sangwan
Member
15.03.2023