



**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		21
Day and Date	Thursday and 20.04.2023	
Complaint No.	CR/485/2020 Case titled as MAHESH KUMAR AND MANJU SHRIVASTAVA Vs IREO GRACE REALTECH PVT LTD	
Complainant	MAHESH KUMAR AND MANJU SHRIVASTAVA	
Represented through	Shri S Dutta, proxy counsel	
Respondent	IREO GRACE REALTECH PVT LTD	
Respondent Represented	Shri M.K. Dang Advocate	
Last date of hearing	16.03.2023	
Proceeding Recorded by	Naresh Kumari and HR Mehta	
<b>Proceedings</b>		
The present complaint was filed on 31.01.2020 and reply on behalf of respondent was received on 13.05.2022.		
Succinct facts of the case as per complaint and annexures are as under:		
S. N.	Particulars	Details
1.	Name and location of the project	"The Corridors" situated at Sector-67A, Gurgaon.
2.	Nature of the project	Group Housing Colony
3.	Project area	37.5125 acres
4.	DTCP license no.	05 of 2013 dated 21.02.2013 valid up to 20.02.2021
5.	Name of licensee	M/s Precision Realtors Pvt. Ltd. and 5 others
6.	RERA Registered/ not registered	Registered Registered in 3 phases



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		<b>Vide 378 of 2017 dated 07.12.2017(Phase 1)</b> Vide 377 of 2017 dated 07.12.2017 (Phase 2) Vide 379 of 2017 dated 07.12.2017 (Phase 3)
	Validity Status	30.06.2020 (for phase 1 and 2) 31.12.2023 (for phase 3)
7.	Apartment no.	504, 5 <sup>th</sup> Floor, Tower B3 (Page 32 of the complaint)
8.	Apartment area admeasuring (super area)	1726.69 sq. ft. (Page 32 of the complaint)
9.	Date of approval of building plan	23.07.2013 (annexure R-10 on page no. 60 of reply)
10.	Allotment Letter	07.08.2013 (page no. 19 of complaint)
11.	Date of environment clearance	12.12.2013 (annexure R-11 on page no. 64 of reply)
12.	Date of apartment buyer's agreement	31.07.2014 (as stated by complainants) (Copy of executed BBA has been annexed but date is not mentioned)
13.	Date of cancellation letter	17.11.2014 (annexure R-13 on page no. 71 of reply)
14.	Date of fire scheme approval	27.11.2014 (annexure R-12 on page no. 70 of reply)



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15.	Possession clause	<b>13.3 Possession and Holding Charges</b> The company proposes to offer <b>the possession of the said residence unit to the allottee within a period of 42 months from the date of approval of building plans and/or fulfillment of the preconditions imposed thereunder (Commitment Period)</b> . The Allottee further agrees and understands that the company shall additionally be entitled to a period of 180 days (Grace Period), after the expiry of the said commitment period to allow for unforeseen delays beyond the reasonable control of the Company. <b>(Emphasis supplied)</b>
16.	Due date of possession	23.01.2017 (calculated from the date of approval of building plans) <b>Note:</b> Grace Period is not allowed.
17.	Total sale consideration	Rs. 1,73,06,088/- (As per payment plan on page 22 of complaint)
18.	Amount paid by the complainants	Rs. 33,46,486/- (As per cancellation letter on page no. 71 of reply)
19.	Occupation certificate	31.05.2019 (Page 76 of reply)
20.	Offer of possession	Not offered but cancelled



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CA 485/2020

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**1. Direct the respondent to refund the money paid by the complainants till date i.e., Rs. 33,46,486/- along with prescribed rate of interest from the date of payment till realisation of the amount.**

The complainants have booked the residential apartment in the project named as 'The Corridors' situated at sector 67 A, Gurugram for a total sale consideration of Rs. 1,73,06,088/-. The complainants were allotted the above-mentioned unit vide allotment letter dated 07.08.2013. Thereafter the apartment buyer agreement was executed between the parties on 31.07.2014.

As per the payment plan respondent started raising payments from the complainants. The complainants in total have made a payment of Rs. 33,46,486/-. The respondent vide letter dated 18.03.2014 raised the demand towards third instalment and due to non-payment from the complainants it sent reminders on 13.04.2014, 04.05.2014 and final notice on 29.08.2014. Thus, the respondent cancelled the allotment of the unit vide letter dated 17.11.2014.

The respondent-builder took a plea that after the cancellation of allotted unit on 17.11.2014, the complainant filed the present complaint on 31.01.2020 i.e., after more than 5 years and thus, is barred by the limitation. The counsel for the respondent further take a plea that the unit was cancelled in the year 2014 and deduction was made out as per the clause 6 of the BBA which allowed a deduction of 20% on cancellation of total amount deposited was less than 20% and hence no refund was made out.

The authority observes that the complaint is barred by limitation and hence no case for refund is made out.

Arguments heard.

Detailed orders will follow.

Vijay Kumar Goyal  
Member  
20.04.2023