



HARERA
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HARYANA REAL ESTATE REGULATORY AUTHORITY
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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

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Day and Date	Friday and 09.08.2024
Complaint No.	CR/7139/2022 Case titled as Ravinder Kumar Bhatia VS M3M India Limited
Complainant	Ravinder Kumar Bhatia
Represented through	Shri Pranesh Goyal Advocate
Respondent	M3M India Limited
Respondent Represented through	Ms. Shriya Takkar and Ms. Simriti Srivastava Advocates
Last date of hearing	26.07.2024
Proceeding Recorded by	Naresh Kumari and HR Mehta

Proceedings-cum-order

The present complaint was filed on 29.11.2022 and the reply has been received on 07.04.2023.

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

S. N.	Particulars	Details
1.	Name of the project	M3M Woodshire, Sector 107, Dwarka Expressway, Gurugram
2.	Area of the project	18.88125 acres
3.	Nature of the project	Residential group housing project
4.	DTCP License	License no. 33 of 2012 dated 12/04/2012 valid upto 11.04.2018
5.	RERA Registered/not registered	Not registered
6.	Unit no.	MW TW-A02/1204, 12 TH FLOOR, Tower A2 (Page 38 of complaint)



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

7.	Unit area admeasuring	2361 sq. ft.
8.	Date of execution of apartment buyer's agreement	24.05.2013 (Page 29 of complaint)
9.	Possession clause	16. Possession Clause 16.1 The company proposes to handover possession of the apartment within a period of 36 months from the date of commencement of construction with extension of 180 days as grace period in special circumstances.
10	Due date of possession	24.11.2016 (Due date of possession is calculated from the date of execution of agreement as date of commencement of construction is not available in the file plus 180 days grace period allowed)
11	Total sale consideration	Rs. 1,22,70,423/- (Page 70 of complaint as per payment plan)
12	Amount paid by the complainant	Rs. 71,52,521/- (As per page 100 of complaint)
13	Occupation certificate	24.07.2017 (Page 63-64 of the reply)
14	Offer of possession dated	10.11.2017 (Page 65 of the reply)
15.	Pre cancellation	20.04.2018 (Page 88-89 of complaint)-on a/c of nonpayment - 15 days from the date of this letter
16.	Cancellation	11.05.2018 (Page 90 of complaint) Along with this a cheque of Rs. 4,00,535/- has been sent to him the photocopy of the



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same has been placed on record

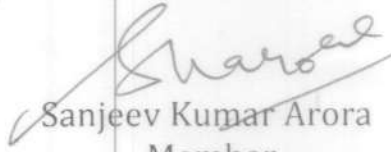
An application for dismissal of complaint has been filed by the respondent on 07.04.2023 through which it states that the present complaint is barred by limitation as the cancellation was done in 2018 and the complaint has been filed after a period of more than 4 years.

The counsel for the respondent states that after so many reminders, the unit was cancelled on 11.05.2018. The counsel for the complainant states that a notice of pre-cancellation was given on 17.06.2024. However, further demand notices were also sent by the respondent and received by them which are dated 30.07.2014 at page 84 of the complaint, 23.11.2014 at page 85, 15.6.2015 at page 86, 30.6.2015 at page 87.

The counsel for the respondent stated that even after sending so many reminders, they had sent an offer letter on 10.1.2017 for offer of the possession of the unit after obtaining valid OC on 24.7.2017 which was also not adhered to by the complainant, hence the respondent had no option but to cancel the unit which they did so on 11.5.2018 and refunded the balance amount alongwith calculation and the same was got encashed by the complainant as well and after that lapse of 4 ½ years the complaint was filed by the complainant on 29.11.2022.

Arguments heard.

There is no merit in the argument raised by the complainant. Cancellation is valid. No further case of refund is made out. The complaint stands disposed off. File be consigned to the registry.


Sanjeev Kumar Arora
Member
09.08.2024