

**PROCEEDINGS OF THE DAY**
**1**

Day and Date

Tuesday and 29.10.2024

Complaint No.

CR/613/2018/873/2021 Case titled as MRIDULA PARTI AND PARTHA SARATHI DE VS MICROTEK INFRASTRUCTURES PVT LTD.

Complainant

MRIDULA PARTI AND PARTHA SARATHI DE

Represented through

Complainant in person with Shri Sukhbir Yadav Advocate

Respondent

MICROTEK INFRASTRUCTURES PVT LTD

Respondent Represented

Ms. Shriya Takkar and Ms. Smriti Srivastava Advocates

Shri Parveen Mangla DGM of the company

Last date of hearing

03.09.2024

Proceeding Recorded by

Naresh Kumari and HR Mehta

**Proceedings**

 The present complaint was filed on **12.02.2021** and reply was received on 02.11.2023.

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

S. N.	Particulars	Details
1.	Name of the project	"Greenburg", Sector 86, Gurugram
2	Project area	14.643 acres
3	Nature of the project	Residential
4	DTCP license no. and validity status	104 of 20010 dated 03.12.2010
5	RERA Registered/ not registered	Not registered



**HARERA**  
**GURUGRAM**

**HARYANA REAL ESTATE REGULATORY AUTHORITY**  
**GURUGRAM**

हरियाणा भू-संपदा विनियमन प्राधिकरण, गुरुग्राम

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

6	Unit no.	602, 6 <sup>th</sup> floor, Tower-J
7	Unit area admeasuring	1480 sq. ft.
	Date of allotment letter	20.05.2015 (page 54 of complaint)
8	Date of execution of agreement to sell	21.05.2015 (Page 12 of complaint)
9	Possession clause	11 The Project Developer based on its present plans and estimates and subject to all just exceptions endeavours to complete construction and offer possession of the Said Building/Said Apartment within a period of Thirty Nine (39) months from the date of construction i.e., 1st October, 2013 unless there shall be delay or failure due to Force Majeure conditions including but not limited to reasons mentioned in clause 11(b) and 11(c) or due to failure of the Allottee(s) to pay in time the Total Price and other charges and dues/payments mentioned in this Agreement or any failure on the part of the Allottee(s) to abide by all or any of the terms and conditions of this Agreement.
10	Due date of possession	01.01.2017  (Calculated Thirty Nine (39) months from the date of construction i.e., 1st October, 2013)
11	Basic sale consideration	Rs 1,02,64,540/-  (As per page no. 54 of complaint)
12	Amount paid by the complainant	Rs. 40,16,977/-  (As alleged by the complainant)

An Authority constituted under section 20 the Real Estate (Regulation and Development) Act, 2016  
भू-संपदा (विनियमन और विकास) अधिनियम, 2016 की धारा 20 के अंतर्गत गठित प्राधिकरण





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हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम  
CR/61/2018/8/13/2024

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

13	Occupation certificate /Completion certificate	27.07.2017 (page no. 2 of the written statement by the respondent)
14	Offer of possession	14.07.2018 (page no. 4 of the written statement by the respondent)

The complainant states that at Para 6 (Sr. No. 31) of the reply, respondents have mentioned that an Occupational Certificate was granted to them on 27.07.2017. However, on scrutiny of the OC, it has been found that it does not have any mention of "Tower J" i.e. the tower which contains the unit of the complainants. It is pertinent to mention here that as per the respondent, the Offer of Possession was sent to the complainant on 14.07.2018, whereas, the said OC was obtained on 27.07.2017. Had it been the OC pertaining to the unit of the complainant there would not have been delay of 01 year in the offering of the possession. Hence, it is evident that the said OC was not pertaining to "Tower J" and respondents were not in a position to offer possession to the complainant.

The respondent- builder states that the respondent has sent the letter of offer of possession to the complainant through speed post and registered post as well, but the same was willfully and knowingly returned by the complainants after opening the envelope with remarks "REFUSED TO ACCEPT". The respondent further states that the occupation certificate for the subject unit was received on 27.07.2017. The nomenclature has since been changed, and the completion certificate has also been received. Both certificates have been supplied during the course of the proceedings.



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हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम  
CK/613/2018/873/2024

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

It is important to note that the Authority deputed the Associate Executive Engineer to inspect the project whether the Occupation Certificate for the subject unit had been obtained or not?. It has come to the Authority's knowledge that the unit has been completed, and the Occupation Certificate for the subject unit was issued on 27.07.2017.

The complainant is seeking refund of the deposited alongwith interest.

Arguments heard.

Order will be uploaded on the website of the authority.

Ashok Sangwan  
Member

  
Arun Kumar  
Chairman  
29.10.2024

  
Vijay Kumar Goyal  
Member