

RECTIFICATION ORDER DATED 13.12.2019

In Complaint Case No.288/2018

Present: None

Case file taken up today on an application moved by the complainants.

It is pleaded while dictating order, there is clerical mistake in Para-1 under the heading due date of possession as BBA as well as in Para-2 being 15.11.2016 and 22.20.2012 instead of 29.04.2016 and 22.10.2012 respectively.

File has been summoned and record has been checked. So, in view of record, the due date of possession comes to 29.04.2016 instead of 15.11.2016. Secondly, there is typographical mistake while showing payment of Rs.10,36,997/- on 22.10.2012. So, the same are ordered to be corrected accordingly in the original order.

File be consigned to the Registry.

(S. C. GOYAL)

ADJUDICATING OFFICER

HARYANA REAL ESTATE REGULATORY AUTHORITY,
GURUGRAM. 24-12-2019



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

**BEFORE S.C. GOYAL, ADJUDICATING OFFICER,
HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM**

**Complaint No. : 288/2018
Date of Decision : 13.12.2019**

**Rishi Kumar Khanna & Gaurav Khanna both
R/o A-4, Kallol Apartments, 35, I P Extension,
Delhi-110092**

Complainants

V/s

- (1) M/s Sare Gurugram Pvt Ltd.(formerly knowns as
Ramprastha SARE Reality Pvt Ltd)
E-7/12, LGF, Malviya Nagar, New Delhi-110017**
- (2) Mr Vineet Relia, Managing Director
Sare Gurugram Pvt Ltd
Duet House, Plot No.46, Udyog Vihar,
Phase IV, Gurugram**

Respondents

Argued by:

For Complainants

Mr. V. N. Mittal, A.R.

For Respondent

None

ORDER

This is a complaint under section 31 of the Real Estate(Regulation and Development) Act, 2016 (hereinafter referred to Act of 2016) read with rule 29 of the Haryana Real Estate(Regulation and

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Development) Rules, 2017(hereinafter referred as the Rules of 2017) filed by the complainants, both residents of Delhi for refund of an amount of Rs.41,78,423/- deposited with the respondents for booking of a flat/unit No.P061001, 10th floor, Tower P06 in their residential project known as Green ParC at Crescent ParC, Sector-92, Gurugram on account of violation of obligations of the promoter under section 11(4)(a) of Real Estate(Regulation and Development) Act, 2016. Before taking up the case of the complainants, the reproduction of the following details is must and which are as under:

Project related details		
I.	Name of the project	PETIOLES
II.	Location of the project	Sector-92,Gurgaon, Haryana
III.	Nature of the project	Residential (construction link plan)

Unit related details		
IV.	Unit No. / Plot No.	P061001
V.	Tower No. / Block No.	Tower P06
VI	Size of the unit (super area)	2040 sq.ft
VII	Size of the unit (carpet area)	-DO-
VIII	Ratio of carpet area and super area	-DO-
IX	Category of the unit/ plot	Residential
X	Date of booking	22.10.2012
XI	Date of execution of BBA (copy of BBA be enclosed as annexure 1)	02.07.2013
XII	Due date of possession as per BBA	15.11.2016 29-4-2016

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3. But the case of the respondents as set up in the written reply before amendment of pleadings is that the complainants booked a flat in their project known by the name of PETIOLES and deposited different amounts and the construction of the project started in the year 2012 and the same is likely to be completed soon. It was pleaded that the complaint filed against them is not legally maintainable and the same merits dismissal. It was denied that there was any intentional delay in completion of the project and the respondents are liable to refund the deposited amount of the allottees besides interest and compensation.

4. After hearing both the parties and perusal of the case file, learned Authority vide its order dated 06.11.2018 directed the respondents to pay interest to the complainants at the prescribed rate of interest on account of delay from the due date of possession i.e. 29.04.2016 till the date of offer of possession.

5. Feeling aggrieved with the same, one of the respondent, namely, M/s Sare Gurugram Pvt Ltd. filed an appeal before the Hon'ble Appellate Tribunal who vide orders dated 20.08.2019 set-aside the order and directed this forum to adjudicate the controversy in question in accordance with law. So, in pursuant to the directions passed by the Hon'ble Appellate Tribunal, the complainants filed an amended complaint on 19.09.2019 with a copy to the other side.

6. Despite notice, none turned up on behalf of the respondents and as such, vide orders dated 13.11.2019, they were proceeded against ex-parte.

7. I have heard the AR for the complainants and also perused case file.

8. Some of the admitted facts of the case are that complainants expressed a desire to purchase a flat in the project of the respondents known by the name

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the prescribed rate i.e. 10.20%p.a. from the date of each payment till the date of actual receipt of total amount from the respondents jointly and severally

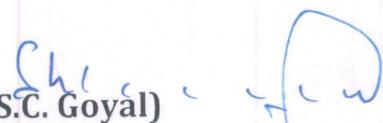
10. The complainants shall also be held entitled to a sum of Rs.20,000/- as compensation inclusive of litigation expenses.

11. The amount mentioned above shall be paid to the complainants by the respondents within a period of 90 days from the date of this order and failing which the legal consequences would follow.

13. Hence, in view of the discussion detailed above, the complaint stands disposed of.

14. Let the file be consigned to the Registry.

13.12.2019


(S.C. Goyal)
Adjudicating Officer,
Haryana Real Estate Regulatory Authority
Gurugram

13-12-2018