

**PROCEEDINGS OF THE DAY**
**12**

Day and Date	Thursday and 22.05.2025
Complaint No.	CR/3666/2023 Case titled as Puneet jain and Yogesh Kumar Gupta and Sachin Agarwal VS Sweet Home Buildwell Private Limited
Complainant	Puneet jain and Yogesh Kumar Gupta and Sachin Agarwal
Represented through	Ms. Prapti Srivastava proxy counsel
Respondent	Sweet Home Buildwell Private Limited
Respondent Represented	Shri Kaushal Budhia Advocate
Last date of hearing	17.04.2025
Proceeding Recorded by	Naresh Kumari and HR Mehta

**Proceedings**

The present complaint has been received on 25.08.2023 and the reply on behalf of respondent was received on 25.09.2023.

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

S.No.	Particulars	Details
1.	Name of the project	M2k Corporate Park Shopping Plaza
2.	Nature of project	Commercial
3.	RERA registered/not registered	Unregistered
4.	Unit no.	GF-56 (page 36 of complaint)
5.	Unit measuring	1592.53 sq. ft. (page 36 of complaint)
6.	Application form	19.03.2008 (page 22 of reply)
7.	Date of execution of flat	<b>Not executed</b>



**HARERA**  
**GURUGRAM**

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

हरियाणा भू-संपदा विनियामक (प्राधिकरण, गुरुग्राम)

CR/3866/2023

New PWD Rest House, Civil Lines, Gurugram, Haryana

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


	buyer's agreement	
8.	Due date of possession	19.03.2011
9.	Total sale consideration	Rs. 1,70,20,164/- (alleged by respondent page 09 of reply)
10.	Total amount paid by the complainant	Rs.59,82,260/- (as alleged by complainant's page 4 of complaint) Rs.37,82,260/- (alleged by the respondent page 10 of reply and payment receipt issued by respondent page 36 of complaint)
11.	Amount paid back by respondent	Rs.12,29,229/- *Not encashed submitted by the respondent during proceedings 22.05.2025 (page 5 of complaint and page 14 of reply)
12.	Final notice	18.04.2012 (page 39 of complaint)
13.	Occupation certificate	21.10.2016 (page 28 of reply)
14.	Cancellation letter	28.05.2019 (page 40 of complaint)

On last date of hearing the complainant was directed to file the payment receipts of the amount of Rs.22,00,000/- as claimed paid to the respondent in cash. The proxy counsel for the complainant states that no proof of payment of Rs.22 Lakhs in cash is available with the complainant-allottee and hence, not filed. Further, the counsel for the respondent states that the unit has been cancelled on 28.05.2019 and an amount of Rs.12,29,229/- was refunded through cheque after deduction of 15% earnest money in terms of booking form but the said cheque is not yet encashed. The cancellation was made due to non-payment of outstanding dues by the complainant. While the OC in respect of unit has already been obtained in the year 2016 before commencement of the Act of 2016 and the complaint for refund has been filed in the year 2023.

In view of the documents on record and submission made by both the parties the Authority considers the cancellation made by the respondent against the subject unit valid as the complainant has only paid Rs.37,82,260/- against the total sale consideration of Rs.1,70,20,164/-.

The respondent is directed to refund the paid-up amount to the complainant against the allotted unit after deducting 10% of the sale consideration with interest at the prescribed rate i.e. 11.10% per annum on the balance amount from the date of final cancellation of the unit till its actual realization.

Detailed order will follow. Matter stands disposed off. File be consigned to the registry.

V. I.   
Vijay Kumar Goyal  
Member  
22.05.2025