



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


Day and Date	Thursday and 7.6.2018
Complaint No.	89/2018 case titled as Satya Narain Mudgal versus M/s Assotech Moonshine Urban Developers Pvt. Ltd.
Complainant	Satya Narain Mudgal
Represented through	Complainant in person
Respondent	M/s Assotech Moonshine Urban Developers Pvt. Ltd
Respondent Represented through	Shri Yogesh Kumar - General Manager (Sales) with Shri Sanjeev Dhingra Advocate for the respondent.

Proceedings

The matter was settled by the complainant and the respondent. The counsel for the respondent made a statement that one cheque amounting to **Rs.Five Lakhs** and another post dated Cheque amounting to **Rs.4,94,119/-** will be sent to the complainant within 10 days from today. The complainant is not entitled to claim any interest from the respondent. In case he wants to claim interest, he is at liberty to file a case in proper forum. **The complaint is disposed of accordingly.** File be consigned to the Registry.


Samir Kumar
(Member)


Subhash Chander Kush
(Member)


Dr. K.K. Khandelwal
(Chairman)
7.6.2018

**BEFORE THE HARYANA REAL ESTATE REGULATORY
AUTHORITY, GURUGRAM**

Complaint No. : 89 of 2018
Date of Institution : 15.03.2018
Date of Decision : 07.06.2018

Satya Narain Mudgul , House No- 1534, Sector-
4, Gurgaon-122001 **Complainant**

Versus

M/s Assotech Moonshine Urban Developers
Pvt. Ltd., Assotech House, A-12, Sector-24
NOIDA-201301 **Respondent**

CORAM:

Dr. K.K. Khandelwal
Shri Samir Kumar
Shri Subhash Chander Kush

Chairman
Member
Member

APPEARANCE:

Shri Sataya Nairain Mudgal Complainant in person
Shri Sanjeev Dhingra Advocate for the respondent
Shri Yogesh Sharma Authorized representative of
respondent

ORDER

**Settlement Order interse Mr. Satya Narain Mudgul -
Complainant**

**M/s Assotech Moonshine Urban Developers Pvt. Ltd. -
Respondent**



1. A complaint dated 15.03.2018 was filed under section 31 of the Real Estate (Regulation & Development) Act, 2016 read



with Rule 28 of the Haryana Real Estate (Regulation and Development) Rules, 2017 by the complainant- Mr. Satya Narain Mudgul against the builder- M/s Assotech Moonshine Urban Developers Pvt. Ltd. claiming refund of the amount paid by him with respect to the apartment surrendered by the complainant in the year 2017..

2. The particulars of the complaint are as under: -

1.	Name and location of the Project	Assotech Blith , sector-99 , Gurgaon
2.	Unit No.	B-1103
3.	Total amount paid by the complainant upto date	Rs 67,15,848
4.	Payment Plan	Construction Linked Plan

3. As per the details provided above, the complainant- Satya Narain Mudgul has raised his contention that he had booked a residential apartment in the project as described above. As per the allotment letter, the possession of the apartment was to be allotted to the allottee within 42 months from the date of allotment. The complainant made regular payments until 2016 when he approached the respondent company and requested for cancellation of his apartment and adjusting the money against the other apartment booked in the name of his wife as





the project was running much behind the scheduled completion. After agreeing on his proposal, the company assured to refund the excess refundable amount within two months period. On 21.03.2017, an amount of Rs.53,86,907/- was transferred to the account of flat no. B-1104 towards full payment in advance and cancelled his flat no. B-1103. He was further informed by the company that after deduction of brokerage charges of Rs. 3,34,822/-, the final amount of Rs. 9,94,119/- would be refunded to the complainant which has not been refunded till date.4. Notice was issued to the respondent on 03.04.2018. Shri Yogesh Sharma, authorized representative of the respondent appeared on 19.04.2018 and filed an authority letter on behalf of the respondent. The reply was filed on behalf of the respondent by 03.05.2018 to which a rejoinder was also filed by the complainant.

- 5 The case was fixed for arguments on 07.06.2018. The parties have informed the court that they have settled the matter out of the court. The counsel for the respondent made a statement that one cheque amounting to Rs. Five Lakhs and another post-dated cheque amounting to Rs.4,94,119/- will be sent to the complainant within 10 days from the date of final order i.e. 07.06.2018. The same has been put on record. It is further held that the complainant is not entitled to claim any interest from






the respondent. In case he wants to claim interest, he is at a liberty to file a case in the proper forum. The complaint is disposed of accordingly.


6. The order is pronounced.
7. Case file be consigned to the registry



HARERA
GURUGRAM


(Samir Kumar)
Member


(Subhash Chander Kush)
Member


(Dr. K.K. Khandelwal)
Chairman

Haryana Real Estate Regulatory Authority, Gurugram



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