



**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	Tuesday and 5.6.2018
Complaint No.	208/2018 case titled as Ms. Vinita versus M/s Elan Buildcon Pvt. Ltd. and others
Complainant	Ms. Vinita
Represented through	<b>None for the complainant</b>
Respondent	M/s Elan Buildcon Pvt. Ltd. and others
Respondent Represented through	Shri Ganesh Kamath Advocate for the respondent.

**Proceedings**

The learned counsel for the respondent has appeared on behalf of the respondent and filed power of attorney. He has also filed original settlement deed dated 15.5.2018 alongwith photo copies of other compromise deeds which have been placed on the record today. The petition is allowed in terms of compromise/settlement deed which has been executed by both the parties in pursuance of the amicable settlement. File be consigned to the Registry.

  
Samir Kumar  
(Member)

  
Subhash Chander Kush  
(Member)

  
Dr. K.K. Khandelwal  
(Chairman)

5.6.2018

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

**Complaint No. : 208 of 2018**  
**Date of Institution : 27.04.2018**  
**Date of Decision : 05.06.2018**

Ms. Vinita W/o Shri Sunil Kumar R/o 891,  
Sector-4, R.K. Puram, New Delhi

**...Complainant**

Versus

M/s Elan Buildcon Pvt. Ltd., 3rd Floor, Golf  
Cooperate Tower, Golf Course Road, Sector-42,  
Gurugram-122002

**...Respondent**

**CORAM:**

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

**Chairman**  
**Member**  
**Member**

**APPEARANCE:**

Ms. Vinita  
Shri Ganesh Kamath

Complainant in person  
Advocate for the respondent

**Settlement Order interse Ms. Vinita - Complainant  
and M/s Elan Buildcon Pvt. Ltd. - Respondent**

1. A complaint dated 27.04.2018 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- Ms. Vinita against the Developer M/s Elan Buildcon Pvt. Ltd. claiming refund of the money paid by her along with interest.



*Devi*

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

1.	Name and location of the project	Elan Miracle, Sector - 84 Gurgaon
2.	Flat/Apartment/Plot No./Unit No.	G-022
3.	Booking amount paid by the buyer to the builder/promoter/company as per the agreement	Rs. 1,00,000/-
4.	Total amount paid by the complainant upto date	Rs. 44,00,000/-
5.	Cause of delay in delivery of possession	No valid reason explained for delay in possession by the promoter.

3. As per the details provided above, the complainant, namely, Ms. Vinita has raised her contention that she had applied for allotment of a shop bearing unit no. G-022, admeasuring approx. area 904 sq. ft. on ground floor, in the project "Elan Miracle", Sector-84, Gurgaon vide application dated 19.11.2017. The Complainant made payment of Rs. 1,00,000/- as token money vide cheque no. 180887 dated 19.11.2017. The Complainant also made payment of Rs. 29,00,000/- vide cheque no. 180888 & Rs. 14,00,000/- vide cheque no. 684488





dated 16.12.2017. Thus, the complainant paid a total amount of Rs. 44,00,000/- (Rupees forty-four Lacs Only).

4. On 12.01.2018, the representative of the respondent company Mr. Kamboj asked the complainant to withdraw the amount and cancel the deal and told the complainant to send an email at [info@elanlimited.com](mailto:info@elanlimited.com) assuring her that she will get back 100% money in her personal bank account. The complainant sent reminder e-mails to the respondent but received no reply. The respondent has not refunded the amount till date.
5. Notices were issued to the respondent. Shri Ganesh Kamath, advocate appeared on behalf of the respondent and filed memo of appearance on 30.05.2018.
6. The case came up for hearing on 30.05.2018 & 05.06.2018. The advocate on behalf of the respondent informed on 30.05.2018 that the matter has already been settled with the complainant. On 05.06.2018, the advocate for the respondent filed the original settlement deed dated 15.05.2018 along with photo copy of other compromised deeds.
7. Since both the parties have expressed their satisfaction over the amicable settlement. As such, their contentious issues stand resolved. The complaint dated 27.04.2018 is disposed of accordingly.





**HARERA**  
**GURUGRAM**

Complaint No. 208 of 2018

- 8. The order is pronounced.
- 9. Case file be consigned to the registry.

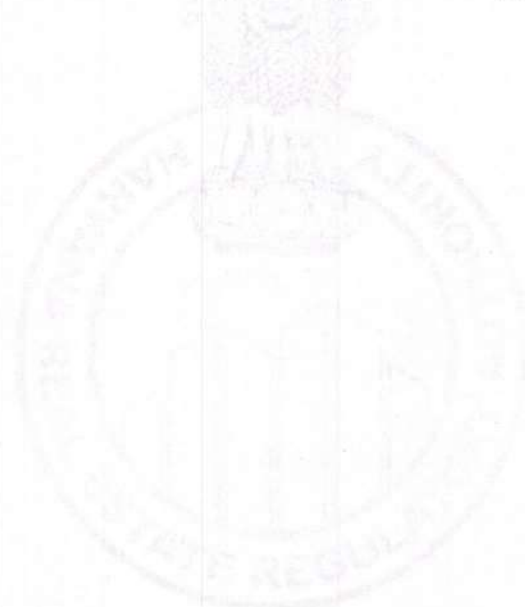


*Samir*  
**(Samir Kumar)**  
 Member

*Subhash*  
**(Subhash Chander Kush)**  
 Member  
*Dr. K.K. Khandelwal*  
**(Dr. K.K. Khandelwal)**  
 Chairman

5/6/2018

Haryana Real Estate Regulatory Authority, Gurugram



HARERA  
GURUGRAM

