

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

**Complaint No.** : 258 of 2018  
**First date of** : 26.06.2018  
**hearing** :  
**Date of Decision** : 28.08.2018

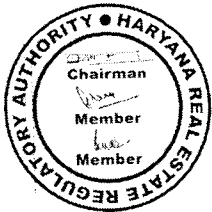
Mr. Sidhharth Kansal s/o Sh. Virendra kumar  
Lal, R/o D-313, Shastri Nagar, R.M. Medical  
College, Meerut, U.P.

**Complainant**

Versus

1. M/s Blackberry Realcon Private Ltd., (Sister concern of M/s Paras Buildtech) Corporate Office at 11<sup>th</sup> floor, Paras Twin Towers, Tower-B, Sector 54, Golf Course Road, Gurugram, through its Director Mr. Aman Nagar.
2. M/s Paras Buildtech India Pvt. Ltd. having its office at: at 11<sup>th</sup> floor, Paras Twin Towers, Tower-B, Sector 54, Golf Course Road, Gurugram, through its Director Mr. Harender Nagar.

**Respondent**



**CORAM:**

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

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

**APPEARANCE:**

Shri Sidhharth Kansal  
Shri Shashi Kant Sharma  
Shri Arun Kumar Yadav along  
with Mr. Shantanu Majumdar  
(AR of company)

Complainant in person  
Advocate for the complainant  
Advocate for the respondent

**Settlement Order Interse Mr. Sidharth Kansal -- Complainant  
and M/s Blackberry Realcon Pvt. Ltd. -Respondent**

1. A complaint dated 14.05.2018 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. Sidharth Kansal, against the Developer, M/s Blackberry Realcon Private Ltd., claiming refund of the money paid by him along with interest.
2. The particulars of the complaint are as under: -

1.	Name and location of the project	"Paras Square
2.	Unit no.	ST/0502, 5 <sup>th</sup> floor
3.	Registered/ not Registered	Not Registered
4.	DTCP license	23 of 2013
5.	Date of booking	05.08.2013
6.	Date of builder buyer agreement	No agreement executed
7.	Total consideration	Rs. 30,66,490/-
8.	Total amount paid by the complainant	Rs. 14,97,780/-
9.	Payment plan	Construction Linked Plan



3. As per the details provided above, the complainant- **M/s Sidhharth Kansal** has raised his contentior. that he has booked a studio apartment unit no. ST/0502 in paras Square, Sector-63 -A Gurugram. He has paid booking amount of Rs. 10,00,000/- through cheques. On account of non-delivery of possession, the complainant has decided to cancel his booking with immediate effect and send a request for cancellation of his unit and requested to refund the entire amount. Thereafter the respondent issued the cancellation letter dated 22.12.2015. He has not refunded the amount as on date. Notice was issued to the respondent for the release of the payment. Shri Arun Kumar yadav, Advocate has appeared on his behalf on 28.08.2018. The respondent has filed an application for dismissal of complaint for want of jurisdiction. Reply was filed by the respondent which has been perused wherein he has given non-valid reasons.


4. The case came up on 28.08.2018 and the parties have filed a copy of Settlement Deed dated 28.08.2018 which was signed by both the parties.

5. Since both the parties have expressed their satisfaction over the amicable settlement, as such, their contentious issues stand resolved. The complaint dated 14.05.2018 is disposed of accordingly in terms of "Settlement deed dated 28.08.2018".

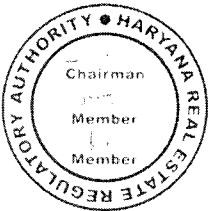


6. The order is pronounced.
7. Case file be consigned to the registry.

  
**(Samir Kumar)**  
Member

  
**(Subhash Chander Kush)**  
Member

**(Dr. K.K. Khandelwal)**  
Chairman  
Haryana Real Estate Regulatory Authority, Gurugram



**PROCEEDINGS OF THE DAY**

Day and Date	Tuesday and 28.08.2018
Complaint No.	258/2018 Case titled as Mr. Siddharth Kansal V/s M/s Blackberry Realcon Pvt. Ltd & Another
Complainant	Mr. Siddharth Kansal
Represented through	Complainant in person with Shri Shashi Kant Sharma, Advocate
Respondent	M/s Blackberry Realcon Pvt. Ltd & Another
Respondent Represented through	Mr. Shantanu Majumdar authorized representative with Shri Arun Kumar Yadav, Advocate
Last date of hearing	19.7.2018

**Proceedings**

**The project is not registered.**

It was brought to the notice of the authority that the project is registerable but so far it has not been registered which is in violation of Section 3 (1) of the Real Estate (Regulation & Development) Act 2016. The learned counsel for the respondent has been asked to advise the respondent to do needful at the earliest and this be treated as the notice as to why penal proceedings should not be initiated against the respondent under section 59 for violation of Section 3 (1) of the Act ibid, where under the penalty amount may extend upto 10% of the estimated costs of the Project.

Both the parties have filed written compromise which was signed by both the parties. In view of the compromise, the present complaint is disposed of. Order is pronounced. Detailed order will follow. File be consigned to the Registry.

Samir Kumar  
(Member)

Subhash Chander Kush  
(Member)

Dr. K.K. Khandelwal  
(Chairman)  
28.08.2018