

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

Complaint no. : 1476 of 2019
First date of hearing : 11.09.2019
Date of decision : 12.12.2019

1. M3M India Private Limited

Address: Unit No. SB/C/5L/Office/008,
M3M Urbana, Sector-67, Gurugram-122102;
Also at: 6thFloor, M3M Tee Point,
Sector-65, Gurugram

2. Cogent Realtors Private Limited

Address: LGF, F-22, Sushant Shopping Arcade,
Sushant Lok, Phase-1, Gurugram-122002.

Complainants

Versus

Rajesh Mittal

Address: R/o – N-269 SF, Mayfield Garden,
Sector-51, Gurugram-122002.

Respondent

CORAM:

Shri Samir Kumar
Shri Subhash Chander Kush

Member
Member

APPEARANCE.

Ms. Shriya Takkar

Advocate for the complainant

Sh. Manoj Yadav and Ms. Mehr Kaur

Advocates for the respondent

ORDER

1. The present complaint has been filed by the complainants/promoter M3M India Private Limited and Cogent Realtors Private Limited against the allottee Sh.

		(As per statement of accounts-cum-invoice, page no. 114 of the complaint)
13.	Total amount paid by the complainant	Rs. 75,87,628/- (As per statement of accounts-cum-invoice-cum invoice at pg. no. 114 of the complaint)
14.	Due date of delivery of possession as per agreement (clause 16.1: 36 months from the date of commencement of construction or from the date of execution of the agreement whichever is later+ 180 days grace period read with amendment letter dated 26.06.2015)	02.07.2017
15.	Date of offer of possession, if any	28.04.2017
16.	Status of project (ongoing/complete)	Complete
17.	Details of Occupation Certificate, if any,	OC granted by competent authority dated 20.04.2017 for tower B1 along with other towers.
18.	Period of delay in handing over possession	No delay

deposited amount. Hence, this complaint for issuing above mentioned directions to the respondent.

4. Respondent has not filed any reply to the complaint though the respondents have been represented through Sh. Manoj Yadav and Ms. Mehar Kaur Advocates.
5. Arguments heard.
6. Facts are not in dispute. Documents are also not in dispute. It stands established that the averments made in the complaint have been admitted to be correct by the respondent. After receiving the occupation certificate of the project by the complainants/ promoter on 20.04.2017 offer of possession letter was issued to the respondent on 28.04.2017 thereby asking the respondent to clear all their dues on or before 27.05.2017 and submitting the documents as per the offer of possession letter for handing over the possession. However, the respondent adopted a peculiar way and instead of clearing dues or filing documents with the complainants, he filed the above stated complaint before the national consumer disputes redressal commission (NCDRC) with an intention to side line the provisions of section 19(6),(7),(10) of the Act.

In view of the above discussion the authority pass an order under section 34(f) of the Act, and issue the following direction: -

- a) The respondent/allottee shall make the requisite payments and take the possession of the subject apartment as per the provisions of Section 19(6), (7) and (10) of the Act, within a period of 30 days.
- b) The respondent/allottee shall be charged interest at the prescribed rate of interest that is at the rate 10.20% per annum by the complainants/promoters.

11. Complaint stands disposed of.

12. File be consigned to the registry.


(Samir Kumar)

Member

Haryana Real Estate Regulatory Authority, Gurugram


(Subhash Chander Kush)

Member

Date 12.12.2019

Judgement Uploaded on 30.06.2020