

**PROCEEDINGS OF THE DAY**

|                                |   |
|--------------------------------|---|
| Day and Date                   | Wednesday and 06.02.2019  |
| Complaint No.                  | 1301/2018 Case Titled As Jitender Kumar V/S M/S Imperia Wishfield Pvt Ltd   |
| Complainant                    | Jitender Kumar  |
| Represented through            | Shri Parikshit Kumar, Advocate for the complainant  |
| Respondent                     | M/S Imperia Wishfield Pvt Ltd   |
| Respondent Represented through | Shri Rohit Sharma, authorized representative on behalf of respondent-company with S/Shri J.K. Dang and Ishaan Dang, Advocates for the respondent. |
| Last date of hearing           | 3.1.2019  |
| Proceeding Recorded by         | Naresh Kumari & S.L.Chanana   |

**Proceedings**

**Respondent has applied online for registration.**

Arguments heard.

Report of Local Commissioner dated 30.1.2019 has been received and the same has been placed on record. The operative part of report of Local Commissioner is as under:-

***“For project ‘ELVEDOR’ o 2.00 acres land being developed by M/s Imperia Wishfield Pvt Ltd.***

***Since the estimated cost and expenditure incurred figures are available for the project ‘ELVEDOR’ being developed by M/s Imperia Wishfield Pvt. Ltd the overall progress of the project ‘ELVEDOR’ has been assessed on the basis of expenditure incurred and actual work done at site on 24.1.2019. Keeping in view above facts and figures, it is reported that the work has been completed***

***with respect to financially is 42.20% whereas the work has been completed physically is about 30% approximately.***

***For project '37<sup>th</sup> AVENUE on 4.00 acres land being developed by M/s Imperia Wishfield Pvt. Ltd.***

***Since the estimate cost and expenditure incurred figures are available for the project '37<sup>th</sup> AVENUE' being developed by M/s Imperia Wishfield Pvt. Ltd. The overall progress of the project '37<sup>th</sup> AVENUE' has been assessed on the basis of expenditure incurred and actual work done at site on 24.01.2019. Keeping in view above facts and figures, it is reported that the work has been completed with respect to financially is 15.70% whereas the work has been completed physically is about 5% approximately".***

Counsel for the respondent has raised certain controversial issues w.r.t. ownership of the land which is in the name of Devi Ram who had entered into an agreement with Prime IT Solutions Pvt.Ltd and thereafter Prime IT Solutions Pvt.Ltd has entered into an agreement to develop the project with M/S Imperia Wishfield Pvt. Ltd.

There were certain legal wranglings inter-se all the three parties mentioned above. However, vide judgment dated 21.1.2016 passed in civil suit No.149 SK by Shri Sanjeev Kajla, Civil Judge, Gurgaon, the matter has been settled inter-se all the three parties and as a matter of fact entries w.r.t. land dispute have been correctly entered in the mutation and jamabandi record, as such there is no dispute w.r.t. ownership of land.

It has been averred by counsel for the respondent that they have applied for transfer of licence with DTCP and registration of project with RERA authority. As per the registration application, the revised date of delivery of possession is March 2020.

The homebuyer has entered into an agreement with M/s Imperia Wishfield Pvt. Ltd. on **16.9.2014** and the possession was to be handed over

New PWD Rest House, Civil Lines, Gurugram, Haryana नया पी.डब्ल्यू.डी. विश्राम गृह, सिविल लाईंस, गुरुग्राम, हरियाणा

to the complainant within a period of 60 months which comes out to be **15.9.2019**. Since the complaint is pre-mature as on date, it stands dismissed.

File be consigned to the registry.

Samir Kumar  
(Member)  
6.2.2019

Subhash Chander Kush  
(Member)