



**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

<b>PROCEEDINGS OF THE DAY</b>		<b>15</b>
Day and Date	Tuesday and 08.03.2022	
Complaint No.	CR/5764/2019 Case titled as International Land Developers Private Limited VS Saifuzzaman Chaudhary	
Complainant	International Land Developers Private Limited	
Represented through	Shri Pankaj Chandola Advocate	
Respondent	Saifuzzaman Chaudhary	
Respondent Represented	None	
Last date of hearing	05.01.2022	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

### **Proceedings through VC**

The present complaint was filed on 11.12.2019 and registered as complaint no. 5764 of 2019. As per the records, complainant has sent copy of complaint through speed post as well as through email and proof regarding having the delivery of the complaint made to the respondents were submitted by the complainant as available in the file. The registry of the authority also sent a notice along with a copy of the complaint through speed post of which delivery confirmed on 27.11.2019 as per the tracking report of the speed post available in the file. Registry has also sent the notice along with a copy of the complaint through email at the following email addresses [servicecopy@intygrt.com](mailto:servicecopy@intygrt.com) [szchowdhary1@gmail.com](mailto:szchowdhary1@gmail.com).

The same is shown to have been delivered on the above email addresses as per the report available in the file. It is proper service of the notice.

None has appeared on behalf of the respondent-allottee. The complainant-promoter has sought relief to direct the respondent to pay the instalments due alongwith interest as per the payment plan from the date when the amount became due for payment.





**HARERA**  
**GURUGRAM**

**HARYANA REAL ESTATE REGULATORY AUTHORITY**  
**GURUGRAM**

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

CR/5764/2019

New PWD Rest House, Civil Lines, Gurugram, Haryana

नया पी.डब्ल्यू.डी. विश्राम गृह, सिविल लाईंस, गुरुग्राम, हरियाणा

However, despite being given ample opportunities, the respondent-allottee has failed to file a reply to the complaint till date and case is being preceded exparte.

As per clause 10.1 of the Building buyer agreement executed inter-se both the parties on 9.2.2015, the developer shall endeavour to complete the construction of the said apartment within 48 months from the date of execution of this agreement and further extension of grace period of six months which comes out to be 9.2.2019.

As per submission of the complainant/promoter, the respondent-allottee has paid Rs.64,86,053/- against the total sale consideration of Rs.1,12,35,254/- which is more than 50% of consideration amount as per payment plan which is annexed as Annexure E of the BBA. On asking from the counsel of the complainant about the status of the project, he stated at bar that only structure work has been completed as on date which tantamount the construction of about 50% of project work only and the complainant-promoter could not furnish any justifiable reasons for inordinate delay in project and reasons for demanding more instalments from the respondent-allottee who have already paid amount proportionate to the status of the project.

As per the clause 10(1) of the BBA, the respondent has failed to complete the construction of the project /apartment of the respondent in the promised time period and up till now only structure work has been completed and hence it makes the respondent-allottee entitle to seek refund of deposited amount alongwith interest. But no response is coming forthwith from the allottee as to whether he wishes to continue in the project or wishes to seek refund of deposited amount with interest in terms of section 18 (1) of the Act, 2016. In this situation, the complainant can not ask the respondent to pay the outstanding payment when he has already paid approximately 50% of the amount of total sale consideration.

Respondent is directed to file the detailed construction status of the project and its final date of completion in the registry. The matter stands disposed of. File be consigned to the registry.

V.I-3

Vijay Kumar Goyal  
Member

Dr. KK Khandelwal

Dr. KK Khandelwal  
Chairman  
08.03.2022