



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	Wednesday and 24.11.2021
Complaint No.	CR/2513/2020 Case titled as Yashpal Lamba VS Imperia Wishfield Private Limited
Complainant	Yashpal Lamba
Represented through	Shri Uday Bedi Advocate
Respondent	Imperia Wishfield Private Limited
Respondent Represented through	Ms. Tanya Swarup Advocate
Last date of hearing	30.09.2021
Proceeding Recorded by	Naresh Kumari and HR Mehta

Proceedings

The present complaint has been received on 24.08.2020 and the reply on behalf of respondent was received on 17.09.2020.

Succinct facts of the case as per complaint and annexures are as under:

S. N.	Particulars	Details
1.	Name of the project	"Elvedor Retail", Sector-37C, Gurugram
2.	Date of building plan approvals	25.06.2013 (annexure- R-9 on page no. 43 of the reply)
3.	Shop no.	1. IR_053, ground floor, Tower-IRIS (annexure- 13 on page no. 22 of the complaint)

An Authority constituted under section 20 the Real Estate (Regulation and Development) Act, 2016
Act No. 16 of 2016 Passed by the Parliament

भू-संपदा (विनियमन और विकास) अधिनियम, 2016 की धारा 20 के अंतर्गत गठित प्राधिकरण
भारत की संसद द्वारा पारित 2016 का अधिनियम संख्यांक 16



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CR/25/3/2020

New PWD Rest House, Civil Lines, Gurugram, Haryana

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		2. IR_052, Ground floor, Tower-IRIS (annexure- 13 on page no. 22 of the complaint)
4.	Revised unit no.	1. Shop G10, Ground Floor, Block-B, Tower-37 th Avenue (annexure- 19 on page no. 28 of the complaint) 2. Shop G09, Ground Floor, Block-B, Tower-37 th Avenue (annexure- 20 on page no. 29 of the complaint)
5.	Unit area admeasuring	1. 493 sq. ft. (annexure- 19 on page no. 28 of the complaint) 2. 503 sq. ft. (annexure- 20 on page no. 29 of the complaint)
6.	Date of allotment letter	07.05.2013 (annexure- 13 on page no. 22 and 23 of the complaint)
7.	Date of MoU	10.02.2017 (annexure- 21 on page no. 30 of the complaint)
8.	Possession clause	11 (a) SCHEDULE FOR POSSESSION OF THE SAID UNIT The Company based on its present plans and estimates and subject to all just exception endeavors to complete construction of the Said Building/Said Unit within a period of sixty (60)

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		<p>months from the date of this agreement unless there shall be delay or failure due to department delay or due to any circumstances beyond the power and control of the Company or Force Majeure conditions including but not limited to reasons mentioned in clause 11(b) and 11(c) or due to failure of the Allottee(s) to pay in time the Total Price and other charges and dues/payments mentioned in this Agreement or any failure on the part of the Allottee(s) to abide by all or any of the terms and conditions of this Agreement. In case there is any delay on the part of the Allottee(s) in making of payments to the Company then notwithstanding rights available to the Company elsewhere in this contract, the period for implementation of the project shall also be extended by a span of time equivalent to each delay on the part of the Allottee(s) in remitting payment(s) to the Company.</p> <p>(Emphasis supplied)</p>
9.	Due date of possession	10.02.2022 (calculated from the date of execution of the MoU)
10.	Total sale consideration	Rs. 49,48,426/- (for shop no. G09) (annexure-21 on page no. 35 of the complaint)
11.	Amount paid by the complainant	Rs. 23,89,048/- (for 2 shops) (as per the receipts annexed with the complaint)

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12.	Possession handover letter	Not offered
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The MoU was executed between the parties on 10.02.2017 and as per the possession clause 11(a) of the MoU, the respondent was to handover the possession of the shops after 60 months from the execution of the MoU. Therefore, the due date of possession comes out to be 10.02.2022. In view of the above, the complaint seems to be pre-mature in nature and liable to be dismissed.

Order pronounced accordingly. File be consigned to the registry.

V.K. Goyal
Vijay Kumar Goyal
Member


Dr. KK Khandelwal
Chairman
24.11.2021