



Real Estate Regulatory Authority

Government of Himachal Pradesh

Complaint Application

Application No.

NA

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Complaint Details

Complaint Subject	Complaint against Mr. Deepak Virmani & Mr. Datta Ram			
Facts of the complaint	<p>In the year 2013, Shri Deepak Virmani and Shri Datta Ram (AOP) (promoter) conceived the retirement community housing project under the brand name "Aamoksh @ Kasauli" at Mohul Joul, Tehsil - Kasauli, District- Solan, Himachal Pradesh.</p> <p>It was represented that the promoter has all the requisite permissions from competent authorities to develop the project including approval to set up a housing colony vide registration no. 347 dated by 19.11.2010 and license no. HIM/TP-Lic.07/2013 dated 06.03.2011 issued by the town and country planning department, Himachal Pradesh.</p> <p>Acting upon the above said representation, the complainant(s) submitted the expression of interest vide Booking Form , dated 05 November 2014, for purchase of a residential unit/ apartment in the said project and deposited a sum of Rs. 10,00,000/- i.e. Rs. 6,00,000/- vide cheque no. 326696 dated 17 October 2014 and Rs 4,00,000/- vide cheque no. 000084 dated 05 November 2014. In pursuance thereto, the respondent issued the letter of allotment, dated 05 November 2014, in the joint name of Mrs. Davinder Puggal and Mr. Deepak Kumar Puggal for Unit / Apartment bearing no. 702 having a total super area measuring 1342 sq. ft. comprising of two bedrooms with attached toilets, one drawing cum dining room, one pantry and one balcony for total sale consideration of Rs 82 lakhs.</p> <p>Later on, upon a request from the complainant(s), the unit was changed to 501 and this was confirmed in the Agreement to Sell, dated 26th May 2015.</p> <p>At the time of allotment, the complainant had further paid the amount of Rs. 10,00,000/- to be adjustable against the earnest money amounting to 15% of the total price/ cost of the unit/apartment payable on or before the execution of the agreement to sell in respect of the said unit/apartment.</p> <p>Subsequently an agreement to sell dated 26th May 2015 was executed between the respondent and the complainant(s), wherein it was confirmed that the promoter is the absolute owner and in possession of the subject land (project land). Clause 19 of the said agreement provides that the promoter shall handover possession of the said apartment by the end of December 2016 with the grace period of 120 days.</p> <p>The complainant(s) besides the above-mentioned two amounts of Rs. 10,00,000 each, had made the payment of Rs. 62,00,000/- from time to time and thus in total paid the amount of Rs. 82,00,000/- towards the sale consideration. The payment details are mentioned below:</p> <table border="1"><thead><tr><th>S NO</th><th>AMOUNT PAID</th><th>DATE OF PAYMENT</th></tr></thead></table>	S NO	AMOUNT PAID	DATE OF PAYMENT
S NO	AMOUNT PAID	DATE OF PAYMENT		

S. NO.	AMOUNT PAID	DATE OF PAYMENT
1.	1000000	17-10-14/5-11-14
2.	1000000	1/5/2015
3.	500000	3/23/2015
4.	1000000	6/7/2015
5.	1000000	8/6/2015
6.	1000000	9/10/2015
7.	1500000	12/8/2015
8.	700000	10/7/2016
9.	500000	1/24/2017
TOTAL:	82,00,000/-	

Thereafter, the respondent did not adhere to the schedule of construction and neglected the same and the project was left in lurch.

The Complainant(s) has deposited their hard earned income towards the sale consideration, however the respondent has failed to offer the possession within time and hence, complainant(s) has suffered mental agony and financial losses. The complainant(s) is entitled for the refund of Rs. 82,00,000/- amount along with interest @12%, besides the compensation for delay/ mental agony for which the complainant(s) reserves their right to avail the remedy in accordance with the law. Clause 8 of the agreement to sell provides for the interest @12% p.a. on the delayed payment if any made by the intending purchaser, thus the complainant is also entitled for the contractual rate of interest i.e. 12% p.a. on the amount deposited with the respondent.

Reliefs Sought

The respondent may please be directed to refund Rs. 82,00,000/- paid by the complainant(s) towards sale consideration along with interest @12% from the date of payment till the date of actual refund.

Complainant Details

	Personal Info	Contact Details	Address	Notice Address
1.	MRS. DAVINDER PUGGAL AND MR. DEEPAK KUMAR PUGGAL Father : Lt. Sh. MULK RAJ Type : Allottee	8800886155 deepakpuggal@gmail.com	C/o D.S. & Associates, E-33, LGF, Jangpura Extension, New Delhi, Delhi, 110014	C/o D.S. & Associates, E-33, LGF, Jangpura Extension, New Delhi, Delhi, 110014

Respondent Details

	Personal Info	Contact Details	Address
1.	MR. DEEPAK VIRMANI & MR. DATTA RAM Type : Project Category : Non-Individual	9810017971 deepak.virmani@kasaulihillhomes.com	C-II, Chirag Enclave, New Delhi, Delhi, 110048

Documents

Documents relied upon by the complainant and referred to in the complaint

1.	Index	 
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Other Documents as annexed along with the complaint

 No Records to Display

Declaration

Jurisdiction of the Authority

I **MR. DEEPAK KUMAR AND MRS. DAVINDER PUGGAL** declare that the subject matter of the claim falls within the jurisdiction of the authority.

Complaint not pending with any other Court

Whether this Complaint is pending with any other court, etc.? : **No**

I **MR. DEEPAK KUMAR AND MRS. DAVINDER PUGGAL** declare that the matter regarding which this complaint has been made is not pending before any court of law or any other authority or any other tribunal(s).

Declaration and Verification

I **MR. DEEPAK KUMAR AND MRS. DAVINDER PUGGAL, Sh. NOT AVAILABLE** do hereby verify that the given details are true to my personal knowledge and belief and the i have not suppressed any material fact(s).

Place : **New Delhi**

Date : **04/08/2020**

Registration Fee

Fee Amount

₹ 500

Payment Status :  **Payment Received**

Payment Mode : **Online**

Transaction No. : **369014920200804190414**

Transaction Date : **04/08/2020 12:00 AM**

Bank Details : **NA**