

PROCEEDINGS OF THE DAY		36
Day and Date	Thursday and 04.01.2024	
Complaint No.	CR/1001/2023 Case titled as Sanjay Kumar Ray VS Perfect Buildwell Private Limited	
Complainant	Sanjay Kumar Ray	
Represented through	Shri Saurabh Sachdeva Advocate	
Respondent	Perfect Buildwell Private Limited	
Respondent Represented	Shri Rahul Singh proxy counsel	
Last date of hearing	28.09.2023	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings

The present complaint was filed on 22.03.2023 and registered as complaint no. 1001 of 2023 and reply received on 04.09.2023.

The succinct facts of the case are as follows:

S. No.	Particulars	Details
1.	Name and location of the project	"Zara Aavaas", Sector-104, Gurugram
2.	Nature of the project	Affordable Group Housing
3.	Project area	5 acres
4.	DTCP License and validity	12 of 2014 dated 10.06.2007 valid up to 09.12.2019
5.	Name of the licensee	Perfect Buildwell Pvt. Ltd. and 1 other
6.	RERA Registration	152 of 2017 dated 28.08.2017 valid up to 31.12.2019
7.	Unit no. and floor no.	Apartment no.-1, 1 st Floor and Tower-3 (As per page no. 28 of the complaint)
8.	Unit area admeasuring	498 sq. ft. (Carpet area) (As per page no. 28 of the complaint)



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हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

CR/1001/2023

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

9.	Allotment letter	17.10.2015 (As per page no. 28 of the complaint)
10.	Date of execution of buyer's agreement	01.12.2015 (As per page no. 237 of the complaint)
11.	Date of Environment clearance	09.03.2015 (As per page no. 19 of the complaint)
12.	Possession clause	3. Possession 3.1 <i>Unless a longer period is permitted by the DGTCP or in the policy and subject to force majeure circumstances as stated in clause 16 hereof, intervention of statutory authorities, receipt of occupation certificate and timely compliance by the apartment buyer(s) of all his/her/ their obligations, formalities and documentation as prescribed by the developer from time to time and not being in default under any part of this agreement, including but not limited to timely payment of instalments of the total cost and other charges as per the payment plan, stamp duty and registration charges, the developer proposes to offer possession of the said apartment to the apartment buyer(s) within 4 years from the date of approval of building plans or grant of environment clearance, whichever is later.....</i> (As per page no. 40 of the complaint)
13.	Due date of possession	09.03.2019 (Note: 4 years from the date of environment clearance i.e., 09.03.2019)



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14.	Total sale consideration	Rs.20,42,000/- (As per page no. 39 of the complaint)
15.	Amount paid by the complainant	Rs. 21,92,698/- (As alleged by the complainant on page no. 24 of the complaint)
16.	Occupation Certificate/ completion certificate	04.12.2019 (As per page no. 32 of the complaint)
17.	Offer of possession	15.01.2020 (As per page no. 30 of the complaint)
18.	Handing over of physical possession	08.02.2020 (As per page no. 32 of the complaint)

The counsel for the complainant requests for allowing DPC from due date of possession i.e. 09.03.2019 till 08.02.2020 (when possession of the unit was handed over) along with execution of CD which is not yet executed despite having paid the full consideration money and the complainant is ready to make the payment towards stamp duty/registration charges as applicable. The counsel for the respondent assures that CD shall be executed within 6 weeks and copy shall also be filed in the registry before the next date of hearing.

Matter to come up on **18.04.2024** for further proceedings.


Sanjeev Kumar Arora
Member


Arun Kumar
Chairman
04.01.2024


Vijay Kumar Goyal
Member