

PROCEEDINGS OF THE DAY		9
Day and Date	Thursday and 01.12.2022	
Complaint No.	CR/1018/2019 Case titled as PUSHPA LATA SHARMA AND ANR Vs SEPSET PROPERTIES PRIVATE LIMITED	
Complainant	PUSHPA LATA SHARMA AND ANR	
Represented through	Shri Mukul Kumar Sanwariya Advocate	
Respondent	SEPSET PROPERTIES PRIVATE LIMITED	
Respondent Represented through	Shri Akshay Sharma proxy counsel	
Last date of hearing	20.09.2022	
Proceeding Recorded by	Naresh Kumari	
Proceedings		
The present complaint has been received on 08.02.2019 and the reply on behalf of respondent was received on 21.10.2020		
Succinct facts of the case as per complaint and annexures are as under:		
S.N.	Particulars	Details
1.	Name of the project	Paras Dew', sector-106, Gurugram
2.	Nature of project	Residential group housing project
3.	RERA registered/not registered	Registered 118 of 2017 dated 28.08.2017
4.	DTPC License no.	61 of 2012 dated 13.06.2012
	Validity status	12.06.2020
	Name of licensee	Sepset Properties

	Licensed area	13.76 Acre
7.	Unit no.	2102, 21 st floor, Tower-B [As per page no. 32 of complaint]
8.	Unit measuring	1760 sq. ft. [As per page no. 32 of complaint]
9.	Date of execution of Flat buyer's agreement	02.04.2013 (page no. 29 of complaint)
10	Allotment Letter	10.01.2013 (page no. 27 of complaint)
11.	Possession clause	3. Possession 3.1 Subject to Clause 10 herein or any other circumstances not anticipated and beyond the reasonable control of the Seller and any restraints restrictions from any courts/ authorities and subject to the Purchaser(s) having complied with all the terms and conditions of this Agreement and not being in default under any of the provisions of this Agreement and having complied with all provisions. formalities, documentation, etc. as prescribed by the Seller, whether under this Agreement or otherwise, from time to time, the Seller proposes to hand over the possession of the Apartment to the Purchaser(s) within a period of 42 (Forty Two) months with an additional grace period of 6 (six) Months from the date of execution of this Agreement of date of obtaining all licenses or approvals The

21/08/2019

	commencement of construction, whichever is later, subject to Force Majeure. The Purchaser(s) agrees and understands that the Seller shall be entitled to a grace period of 90 (ninety) business days, after the expiry of grace period, for offer to hand over the possession of the Apartment to the Purchaser. Any application for the occupation certificate in respect of the Project shall be filed in the due course. The Seller shall give Notice of Offer of Possession in writing to the Purchaser(s) with regard to the handing over of possession, where after, within 30 (thirty) days, the Purchaser(s) shall clear his outstanding dues and complete documentary formalities and take physical possession of the Apartment. In case, the Purchaser(s) raises any issue with respect to any demand, the same would not entitle the Purchaser(s) for an extension of the time for taking over possession of the Apartment. In the event the Purchaser(s) fails to make all payments and accept and take the possession of the Apartment within 30 (thirty) days of the Notice of Offer of Possession, the Purchaser(s) shall be deemed to be custodian of the Apartment from such due date indicated in the Notice of Offer of Possession and the Apartment shall be held by the Seller solely at the risks and costs of the Purchaser(s), including but not limited to applicability of the appropriate Holding Charges as defined in Clause 3.3 below and interest. The
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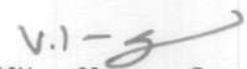
New PWD Rest House, Civil Lines, Gurugram, Haryana		नया पी.डब्ल्यू.डी. विश्राम गृह. सिविल लाईंस, गुरुग्राम, हरियाणा
		obligation of the Seller to offer possession to the Purchaser under this Clause shall be subject to Force Majeure.
12.	Due date of possession	02.10.2016 (calculated from the date of execution of BBA) (Grace period is not allowed)
13.	Total sale consideration	Rs. 1,06,46,400/- [As per CRA]
14.	Total amount paid by the complainant	Rs.1,01,28,165/- (as per CRA)
15.	Occupation certificate dated	15.01.2019
16.	Offer of possession	24.01.2019 (As per page no.73 of reply)

The counsel for the complainant has filed written arguments on 22.09.2022 but the copy of the same is not received by the respondent. The counsel for the complainant assures to forward a soft copy of written arguments within three days.

The counsel for the respondent also requests for filing of written submissions who is directed to file the same within a period of 15 days with an advance copy to the complainant.

Matter to come up on 31.01.2023 for further proceedings.


Sanjeev Kumar Arora
Member


Vijay Kumar Goyal
Member
01.12.2022