

PROCEEDINGS OF THE DAY		38
Day and Date	Wednesday and 16.04.2025	
Complaint No.	CR/1053/2024 Case titled as Rajiv Gupta VS Sunrays Heights Private Limited	
Complainant	Rajiv Gupta	
Represented through	Shri Vijay Pratap Singh Advocate	
Respondent	Sunrays Heights Private Limited	
Respondent Represented	Ms. Manika proxy counsel	
Last date of hearing	29.01.2025	
Proceeding Recorded by	Naresh Kumari and HR Mehta	
Proceedings The present complaint was filed on 26.03.2024 and the reply on behalf of the respondent was received on 01.08.2024. Succinct facts of the case are as follows:		
S.No.	Particulars	Details
1.	Name of the project	"Sixty-Three Golf Drive", Sector 63-A, Gurugram"
2.	Project area	5.9 acres
3.	Nature of the project	Affordable Group Housing
4.	DTPC License no. and validity	82 of 2014 dated 08.08.2014 Valid upto 07.08.2019
5.	Name of licensee	Sunrays Heights Pvt. Ltd., Smt. Kiran W/o Dharam
6.	RERA registration details	Registered 249 of 2017 dated 26.09.2017
7.	Provisional Allotment letter	11.01.2016 (Page 17 of complaint)
	Builder Buyer Agreement executed on	01.07.2016 (As per BBA at page 19 of complaint)



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हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

CA/1053/2024

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

8.	Unit no.	H-117, Tower H (As per BBA at page 33 of complaint)
9.	Unit area admeasuring	Carpet Area- 605.10 sq. ft Balcony Area- 94.94 sq. ft. (As per BBA at page 33 of complaint)
10.	Possession clause	<i>As per affordable housing policy 2013 -</i> <i>"1(iv) All such projects shall be required to be necessarily completed within 4 years from the approval of building plans or grant of environmental clearance, whichever is later. This date shall be referred to as the "date of commencement of project" for the purpose of this policy. The licences shall not be renewed beyond the said 4 years period from the date of commencement of project."</i>
11.	Date of building plan approval	10.03.2015 (Page 29 of reply)
12.	Date of environment clearance	16.09.2016 (Page of reply)
13.	Due date of possession	16.03.2021 (Calculated from date of environment clearances i.e., 16.09.2016 being later, which comes out to be 16.09.2020 + 6 months as per HARERA notification no. 9/3-2020 dated 26.05.2020 for projects having completion date on or after 25.03.2020, on account of force majeure conditions due to outbreak of Covid-19 pandemic)
14.	Sale consideration	Rs. 24,67,870/- (as per BBA at page 33 of complaint)
15.	Amount paid by the complainant	Rs.22,46,777/- (as pleaded by complainant) Or Rs.16,68,096/- (as per Payment Plan Detail Report dated 20.05.2024 at page 50 of complaint)
16.	Occupation certificate	31.12.2024 (Taken from another file of the same project) (Applied on 08.12.2023)
17.	Offer of possession	Not offered
18.	Final Reminder sent by respondent to complainant	27.05.2024 (Page 21 of reply)

An Authority constituted under section 20 the Real Estate (Regulation and Development) Act, 2016
भू-संपदा (विनियमन और विकास) अधिनियम, 2016 की धारा 20 के अंतर्गत गठित प्राधिकरण



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New PWD Rest House, Civil Lines, Gurugram, Haryana

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The counsel for the complainant has states that the complainant has paid more than 85% of the consideration amount for the unit and the respondent is making exorbitant demands on the complainant and threatening to cancel the unit of the complainant if the same are not paid. He further states that the due date for handing over of possession was 16.03.2021 and till date the respondent has not offered possession of the unit.

The counsel for the respondent states that Occupation Certificate for the unit has been received on 31.12.2024 and offer of possession is being sent to the complainant very shortly.

Heard.

Admittedly, the Occupation Certificate for the project has been received on 31.12.2024. In view of the above, the respondent is directed to offer possession of the unit to the complainant and pay delay possession charges to the complainant at the rate of 11.10% from the due date i.e., 16.03.2021 till valid offer of possession plus 2 months or actual handing over of the unit, whichever is earlier. The respondent is directed to submit the updated statement of account taking into consideration the delay possession charges as well the delay in making payment of pending consideration amount at the equitable rate of interest i.e., 11.10% (SBI MCLR + 2%) within 30 days to the complainant. The complainant shall make payment of the balance amount due, if any, within the next 60 days. The respondent is further directed to handover possession and execute the conveyance deed on payment of stamp duty and registration charges.

Matter stands disposed of. Detailed order will follow.

Ashok Sangwan
Member
16.04.2025