

PROCEEDINGS OF THE DAY		13
Day and Date	Friday and 18.10.2024	
Complaint No.	MA NO. 541/2024 in CR/1063/2024 Case titled as Arun Khanna VS Orris Infrastructure Private Limited	
Complainant	Arun Khanna	
Represented through	Shri Yogesh Yadav Advocate	
Respondent	Orris Infrastructure Private Limited	
Respondent Represented	Ms. Charu Rustagi Advocate	
Last date of hearing	06.09.2024	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings

The present complaint has been received on 20.03.2024 and reply on behalf of respondent was received on 30.07.2024.

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

S. No.	Particulars	Details
1.	Name and location of the project	"Aster Court Premier", Sector-85, Gurugram
2.	Nature of the project	Group Housing
3.	Project area	25.02 acres
4.	DTCP license no.	39 of 2009 dated 24.07.2009 valid up to 23.07.2024
5.	Name of licensee	Be Office Automation Products Pvt. Ltd. and 9 others
6.	RERA Registered/ not registered	415 of 2019 dated 13.10.2018 valid up to 30.10.2020
7.	RERA registration extension	19 of 2018/7(3)/2022/2 dated 01.01.2021 valid up to 31.12.2025
8.	Unit no.	901, 9 th Floor & Tower-4B



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हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

Mat No. 51/2024 In CR/1063/2024

New PWD Rest House, Civil Lines, Gurugram, Haryana

नया पी.डब्ल्यू.डी. विभाग गृह सिविल लाइन्स गुरुग्राम हरियाणा

		(As per page no. 41 of the complaint)
9.	Unit area admeasuring	2560 sq. ft. (Super area) (As per page no. 41 of the complaint)
10.	Allotment letter	01.05.2019 (As per page no. 41 of the complaint)
11.	Date of apartment buyer's agreement	04.06.2019 (As per page no. 32 of the complaint)
12.	Possession clause	7.1 Schedule for Possession of the said unit <i>On or before 30.06.2020 as per agreed terms and conditions unless there is delay due to force majeure.</i> (As per page no. 48 of the complaint)
13.	Due date of possession	30.12.2022 30.06.2022 + 6 months of COVID
14.	Total sale consideration	Rs.96,84,053/- (As per payment plan on page no. 75 of the complaint)
15.	Amount paid by the complainant	Rs. 67,78,800/- (As alleged by the complainant on page no. 8 of the complaint)
16.	Occupation Certificate	11.06.2024 (Page 165 of reply)
17.	Offer to fit out for possession	03.04.2023 (As per page no. 152 of the reply)
18.	Reminder letter	08.04.2023 (As per page no. 154 of the reply)
19.	Pre cancellation	03.07.2023 (As per page no. 153 of reply) on account of non payment - amount to be paid within 10 days
20.	Cancellation letter	18.08.2023 (As per page no. 155 of reply) on account of non-payment 26.12.2023 (As per page no. 156 of reply)



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

MANO-54/2024 IN CR/1063/2024

The counsel for the complainant states that in terms of payment plan at Schedule - v of the BBA dated 04.06.2019, as per the payment plan, 70% of the amount was to be paid upto 15.09.2019 and thereafter, the balance 30% of the cost of the property plus IFMS was to be paid at the time of offer of possession. The complainant had paid 70% of the amount of consideration by the due date and the respondent cancelled the unit of the complainant on 26.12.2023 due to non payment of demand raised on 04.03.2023 without obtaining occupation certificate. The offer of possession was made on 04.03.2023 through email which was invalid as the same was sent without obtaining occupation certificate from the competent authority. In view of the above, the cancellation dated 26.12.2023 may be set aside and the complainant may be granted DPC alongwith direction for handing over of possession.

The counsel for the respondent states that the respondent filed a writ petition in the Hon'ble Punjab and Haryana, High Court vide CWP No. 3255 of 2023 for directing the DTCP to issue OC to the respondent and notice of motion was issued on 17.02.2023 and despite two specific directions of the Hon'ble High Court, the DTCP did not grant provisional occupation certificate. The OC was finally granted on 11.06.2024. The respondent had made all efforts possible to obtain the OC within time.

The complainant had made multiple undertaking, to make the payment of balance outstanding amount before the cancellation of the unit.

Arguments heard.

Order reserved.

The parties may file written submissions within 15 days with an advance copy to each other.

Matter to come up on 17.01.2025 for pronouncement of order.

Ashok Sangwan
Member
18.10.2024