



HARERA
GURUGRAM

HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

PROCEEDINGS OF THE DAY

20

Day and Date	Wednesday and 02.04.2025
Complaint No.	CR/1118/2024 Case titled as Munni Devi VS Sunrays Heights Private Limited
Complainant	Munni Devi
Represented through	Shri Vijay Pratap Singh Advocate
Respondent	Sunrays Heights Private Limited
Respondent Represented through	Ms. Deepali proxy counsel
Last date of hearing	19.02.2025
Proceeding Recorded by	Naresh Kumari and HR Mehta

Proceedings

The present complaint was filed on 26.03.2024 and reply on behalf of the respondent was received on 07.08.2024.

Succinct facts of the case are as follows:

Sr. 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 Policy- Residential Flat
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 valid upto 25.09.2022
7.	Provisional Allotment Letter	11.01.2016

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 अर्तगत गठित प्राधिकरण



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		(Page 20 of complaint)
8.	Flat buyer's agreement	01.07.2016 (Page 24 of complaint)
9.	Unit no.	107, Tower E (Page 38 of complaint)
10.	Unit area admeasuring	Carpet Area- 605.10 sq.ft Balcony Area- 94.94 sq.ft. (Page 38 of complaint)
11.	Possession clause	4- Possession "4.1 The developer shall endeavor to handover possession of the said flat within a period of 4 years i.e. 48 months from the date of commencement of project , subject to force majeure & timely payment by the allottee towards the sale consideration, in accordance with the terms as stipulated in the present agreement." (BBA at page 28 of complaint) or *Note: As per affordable housing policy 2013 - 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.
12.	Date of building plan approval	10.03.2015 (Taken from another file of the same project- CR/1710/2024 at page 31 of its reply)
13.	Date of environment clearance	16.09.2016 (Taken from another file of the same project- CR/1710/2024 at page 37 of its reply)
14.	Due date of possession	16.03.2021 (Calculated from date of environment clearances i.e., 16.09.2016 being later, which

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CR/118/2024

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		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)
15.	Basic sale consideration	Rs. 24,67,870/- (BBA at page 38 of complaint)
16.	Amount paid by the complainant	Rs.22,46,777/- (Payment plan detail report dated 06.08.2024 at page 17 of reply)
17.	Occupation certificate	To be ascertained
18.	Offer of possession	Not offered
19.	Final Reminder sent by respondent to complainant	01.12.2023 (Page 41 of complaint)

The complainant herein is seeking the following relief(s):

1. Direct the respondent to pay interest for every month of delay at prevailing rate of interest as per the RERA Act starting from 16.09.2020 till actual handover of possession and waive off illegal demands raised by the respondent like interest, etc.
2. Direct the respondent to set aside illegal demand of Rs.33,48,100/- demanded vide letter dated 24.05.2024 as same is arbitrary, irrational and bad in the eyes of law.
3. Direct the respondent to ensure that the project is in habitable condition with all amenities mentioned in brochure after getting the occupancy certificate.

The counsel for the respondent states that the complainant has approached the NCLT in case No.49/2025 seeking claim for refund with interest at the rate of 24% per annum, and the default date has been claimed as 31.03.2023, whereas in the RERA complaint, the due date has been claimed as 16.03.2021 and the relief sought is DPC and possession. This fact may be taken into account while deciding the present matter.

The counsel for the complainant states that the matter is at admission stage in the NCLT and no order has been passed.



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Heard.

The respondent is directed to file written submissions within a period of 2 weeks with an advance copy to the complainant, providing the updated statement of account taking into account the delay in handing over of possession (DPC) as well as delay in making payment by the complainant. The interest rate may be taken at the prescribed rate of interest i.e. SBI MCLR + 2% which is 11.10% per annum as on date. The complainant may file response to the same within next 2 weeks with an advance copy to the respondent.

Matter to come up on **07.05.2025** for pronouncement of order.

Ashok Sangwan
Member
02.04.2025