



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		15
Day and Date	Tuesday and 06.12.2022	
Complaint No.	CR/113/2020 Case titled as ANIL SHARMA Vs TATA HOUSNG DEVELOPMENT COMPANY LTD	
Complainant	ANIL SHARMA	
Represented through	Complainant in person	
Respondent	TATA HOUSNG DEVELOPMENT COMPANY LTD	
Respondent Represented	Shri Mohit Jolley Advocate	
Last date of hearing	30.11.2022	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings

The present complaint was filed on 09.01.2020 and the reply on behalf of respondent was received on 05.03.2020 which was addressed to adjudicating officer and was transferred to authority for further proceeding.

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

S. N.	Particulars	Details
1.	Name of the project	"Tata Primanti", Sector 72, Gurugram, Haryana
2.	Project area	36.25 acres
3.	Nature of the project	Group Housing Colony
4.	DTCP license no. and validity status	155 of 2008 dated 14.08. 2008 valid upto 14.08.2008
5.	Name of licensee	Unitech Infratech Pvt. Ltd
6.	RERA Registered/ not registered	Registered vide no. 98 of 2017 dated 28.08.2017



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7.	Unit no.	3201, Tower/block- 6 (Page no. 54 of reply)	3001, Tower/block-6 (Substituted Unit) (As per written submission of the respondent on page 2)
8.	Unit area admeasuring	Area of 3201, T-6: 4250 sq. ft. (super area) 2419 sq. ft (carpet area) (Page 21 of the Complaint)	Area of 3001, T-6: 4300 sq. ft. (super area) (Page 29 of the Complaint) 2271.15 sq. ft (carpet area) (Annexure-G, page 135 of the Reply to Complaint)
9.	Date of Application Form for Booking	Unit no. 3201, T-6 26.03.2017 (As per on page 14 of reply)	Unit no. 3001, T-6 20.03.2018 (As per on page 53 of reply)
10.	Date of Transfer from Unit 3201 to Unit 3001 both in Tower 6	Date is not mentioned (As per on page 45 of reply)	
11.	Date of execution of agreement to sell	Not annexed	Not signed Of unit 3001, Tower/block-6, (As per on page 135 of reply)
12.	Possession clause (taken from BBA not signed by either of the parties)	4. "Possession Time and Compensation" Tata Housing shall endeavor to give possession of the apartment to the	



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CR/113/2020

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		allotee on or before 30.09.2018 . The date of possession and time schedule of completion shall be subject to force majeure circumstances and reasons beyond the control of the promoter. In case the possession is delayed beyond the agreed date as specified above, the promoter shall be entitled to extension of 12 months for handover of possession and completion of construction . (As per clause 4 of BBA on page 16 and annexure-G on page 135 of Reply)	
13.	Total sale consideration	Rs. 3,84,03,300/- (substituted/ transferred apartment) (Page 135 of reply)	
14.	Amount paid by the complainants	Rs.98,56,858/- (As pleaded by the complainants on page 12 of complaint.)	
15.	Occupation certificate /Completion certificate	09.03.2018 (As per on page 40 of reply)	
16.	Due date of possession for new unit	30.09.2018 (As per BBA)	
17.	Offer of possession	3201	3001
		19.03.2018 (page 42 of reply)	Not offered

The complainant requests for a short adjournment as the counsel is engaged in Saket Court, Delhi and is not available for arguments. Further the respondent has also filed a reply to the application made by the complainant for seeking clarification of the order passed by the authority on 04.07.2022. The complainant states that the issue of size of apartment is still not settled



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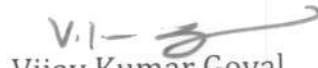
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although the counsel for the respondent clarifies that the issue of size of apartment already stands settled after report of the Local Commission in the proceedings of the authority dated 04.07.2022 and the respondent is still willing to consider handing over of possession of the unit for which the OC has already been received in March, 2018 and offer also made to the complainant subject to payment of outstanding amount alongwith interest at the prescribed rate. The complainant requests for a short adjournment due to non availability of counsel and to examine the reply and account statement including details of amount paid and due with interest calculation. The request is allowed and one last opportunity to the complainant is being given to take the possession of the unit for which OC has already been obtained after making the payment of outstanding amount alongwith prescribed rate of interest.

Matter to come up on 14.03.2023 for further proceedings.


Sanjeev Kumar Arora
Member


Vijay Kumar Goyal
Member
06.12.2022