



**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**

**48**

Day and Date	Tuesday and 29.08.2023
Complaint No.	CR/1214/2023 Case titled as Vijay Kumar and Sonali Rajak Vs Ramaprastha Promoters & Developers Private Limited
Complainant	Vijay Kumar and Sonali Rajak
Represented through	Shri Sandeep Phogat, Advcoate
Respondent	Ramaprastha Promoters & Developers Private Limited
Respondent Represented through	Shri Navneet Kumar, Advocate
Last date of hearing	First hearing
Proceeding Recorded by	Naresh Kumari and HR Mehta

**Proceedings**

The present complaint was filed on 15.03.2023 and the reply on behalf of respondent was received on 22.08.2023.

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

S. N.	Particulars	Details
1.	Name of the project	"Primera", Sector 37D, Village Gadauli Kalan, Gurugram, Haryana
2.	Project area	13.156 acres
3.	Nature of the project	Group housing colony
4.	DTCP license no. and validity status	12 of 2009 dated 21.05.2009 Valid up to 20.05.2024
5.	Name of licensee	Ramprastha Realtor Pvt. Ltd.



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CR/214/2023

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

6.	RERA Registered/ registered	not	<b>Registered vide no. no. 21 of 2018 dated 23.10.2018 for an area of 3.257 acres</b> <b>Valid up to 31.03.2020</b>
7.	Date of approval of building plans		25.04.2013 [As per information obtained by planning branch]
8.	Unit no.		F-303, 3 <sup>rd</sup> floor, tower B (Page no. 56 of the complaint)
9.	Unit admeasuring		1720 sq. ft. (Page no. 28 of the complaint))
10.	Welcome letter		Undated (Page no. 48 of the complaint)
11.	Allotment letter		Not available
12.	Date of execution of apartment buyer's agreement		14.09.2013 (Page no. 52 of the complaint)
13.	Possession clause		<b>15. POSSESSION</b> <b>(a) Time of handing over the Possession</b> Subject to terms of this Clause and subject to the Allottee having complied with all the terms and condition of this Agreement and the Application, and not being in default under any of the provisions of this Agreement and compliance with all provisions, formalities, documentation etc., as prescribed by the DEVELOPER, the DEVELOPER shall endeavour to complete the construction of the Said Apartment

An Authority constituted under section 20 the Real Estate (Regulation and Development) Act, 2016

भू-संपदा (विनियामन और विकास) अधिनियम, 2016 की धारा 20 के अर्तगत गठित प्राधिकरण



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

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		<p>within a period of 54 months from the date of approval of Building Plans by the office of DGTCP. The Allottee agrees and understands that the DEVELOPER shall be entitled to a grace period of hundred and twenty days (120) days, for applying and obtaining the occupation certificate in respect of the Group Housing Complex.</p> <p>(Emphasis supplied)</p> <p>(Page no. 66 of the complaint)</p>
14.	Due date of possession	25.10.2017 [Note: The due date of possession can be calculated by the 54 months from approval of building plans i.e., 25.04.2013 and grace period is not included]
15.	Total sale consideration as per payment plan annexed with the buyer's agreement at page 79 of complaint	Rs.1,09,47,727/-
16.	Amount paid by the complainant as per account statement dated 03.02.2023 at page 162 of complaint	Rs.1,01,67,151/-
17.	Occupation certificate /Completion certificate	Obtained
18.	Offer of possession	Offered

The complainant has sought following relief:

1. Direct the respondent to handover possession of the fully developed subject plot.



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2. Direct the respondent to also pay interest @ 1.5% per month compounded quarterly w.e.f. date of payment made by the complainants till handing over of possession of the subject plot as per provisions of section 18(1) of the Act read with rule 15 of the Rules.
3. Litigation cost of Rs.5,00,000/-.
4. The respondent be directed to prepare the interest calculation sheet and the said amount be paid within 30 days on filing of this complaint failing which ban account of the respondent be attached immediately for compliance of directions of payment.
5. The respondent should not be allowed to adjust the interest towards delayed possession payable with final demand made by them at the time of offer of possession to the complainants.
6. The respondent shall not be allowed at the time of offer of possession to charge for anything beyond the terms of the agreement.
7. The respondent shall not be allowed to charge EDC and IDC at the final demand as they are not entitled to EDC and IDC after the scheduled completion date is over/passed.

The counsel for the respondent states that OC of the unit of the complainant has been received and offer of possession has already been made. The respondent is willing to handover the possession without levy of any extra amount and the allottee may come for possession alongwith requisite documents on 2.9.2023 at 11-00 AM. The respondent company shall intimate by tomorrow the list of documents which are required to be carried for taking over of the possession. The respondents shall file the requisite documents in the registry of the authority within further one week.

Matter to come up on 19.10.2023 for further proceedings.

V.K. - 3  
Vijay Kumar Goyal  
Member  
29.08.2023