



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		26
Day and Date	Thursday and 18.04.2024	
Complaint No.	CR/1234/2023 Case titled as Santosh Kumari VS Shree Vardhman Buildprop Private Limited	
Complainant	Santosh Kumari	
Represented through	Shri Jayant Sharma Advocate	
Respondent	Shree Vardhman Buildprop Private Limited	
Respondent Represented	Shri Gaurav Rawat Advocate	
Last date of hearing	18.01.2024	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings

The present complaint has been received on 12.04.2023 and the reply on behalf of respondent was received on 18.01.2024.

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

S.N.	Particulars	Details
1.	Name of the project	"Shree Vardhman Mantra", Sector- 67, Gurugram
2.	Nature of project	Affordable Housing Project
3.	RERA registered/not registered	Registered Vide 50 of 2022 dated 13.06.2022
4.	DTPC License no.	69 of 2010 dated 11.09.2010 valid up-to 30.04.2027 (as per DTCP)
	Name of licensee	Dharambir and 8 others
	Licensed area	11.262 acres
5.	Commencement of construction	03.07.2014 (as alleged by the respondent page 06 of reply)
6.	Unit no.	1008, tower-J, 10 th floor



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

		(page 17 of complaint)
7.	Unit measuring	520 sq. ft. (carpet area) (page 17 of complaint)
8.	Date of execution of buyer's agreement	16.11.2011 (page 14 of complaint)
9.	Possession clause	9(a) Possession <i>The construction of the Flat is likely to be completed within a period of thirty six (36) months from the date of start of foundation of the particular Tower in which the Flat is located with a grace period of six (06) months, on receipt of sanction of building plans/revised building plans and approvals of all concerned authorities including the Fire Service Deptt., Civil Aviation Deptt., Traffic Deptt., Pollution Control Deptt., as may be required for commencing and carrying on construction subject to force majeure, restraints or restrictions from any courts/authorities, non-availability of building materials, disputes with contractors/work force etc., and circumstances beyond the control of the Company and subject to timely payments by the Flat Buyer(s). No claim by way of damages / compensation shall lie against the Company in case of delay in handing over possession on account of any of such reasons and the period of construction shall be deemed to be correspondingly extended. The date of submitting application to the concerned authorities for issue of completion/part completion/occupancy/ part occupancy certificate of the Complex shall be treated as the date of completion of the Flat for the purpose of this clause/agreement.</i>
10.	Due date of possession	—
11.	Basic sale price	Rs.15,20,000/- (as per SOA dated 20.03.2023 page 39 of complaint)
12.	Total amount paid by the complainant	Rs.17,22,462/- (as per SOA dated 20.03.2023 page 39 of complaint)
13.	Offer of possession	Not offered
14.	Occupation certificate	Not obtained (as submitted by the respondent page 05 of reply)



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The counsel for the respondent states at bar that OC in respect of Tower-J in which the unit of the complainant is situated has not yet been received and the date of commencement of said tower is 03.07.2014. The counsel for the respondent further states that zero period in respect of above project has been allowed and hence may be considered in respect of above case as well. However, the counsel for the complainant states that the zero period in other cases was considered due to the reason on the part of concerned authorities to grant of OC due to on going CBI enquiry but otherwise the project was completed and OC was applied but the above block is not yet completed and OC is not yet granted. The counsel for the respondent states that OC stands applied after completing the unit on 27.07.2017 (page 34 of the reply) but due to technical reason, the OC is not granted.

Both the parties may submit brief written submissions within 2 weeks after supplying a copy to each other.

Matter to come up on 18.07.2024 for final arguments/orders.

V.1-3
Vijay Kumar Goyal
Member
18.04.2024