



HARERA
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HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

New PWD Rest House, Civil Lines, Gurugram, Haryana नया पी. डब्ल्यू. डी. विभाग गृह, सिविल लाईंस, गुरुग्राम, हरियाणा

PROCEEDINGS OF THE DAY		14
Day and Date	Thursday and 11.01.2024	
Complaint No.	CR/1250/2022 Case titled as Sandeep VS Apex Buildwell Private Limited	
Complainant	Sandeep	
Represented through	Shri Sunil Kumar, Advocate	
Respondent	Apex Buildwell Private Limited	
Respondent Represented through	Shri Harshit Batra, Advocate	
Last date of hearing	05.10.2023	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings

The counsel for the complainant states that there was delay in handing over of possession while as per clause of agreement, the possession was required to be handed over by 02.06.2017 even if 6 months grace period is allowed to the respondent and hence, requests for allowing delayed possession charges at the prescribed rate of interest.

The counsel for the respondent states that offer of possession was made way back on 01.12.2019 after obtaining OC from the competent authority and possession was handed over on 20.12.2019 and hence, complaint is barred by limitation. Moreover, as per clause 7.1 of the conveyance deed wherein the vendee (complainant-allottee) has waived off any claim or objection and hence, the above claim may not be allowed at this belated stage. The counsel further states that the authority also not allowed claim in various other complaints and cites the order passed by Hon'ble Supreme Court of India, Delhi in Civil Appeal No.6649-50 of 2018 wherein the Hon'ble Apex Court has held



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CA/1250/2022

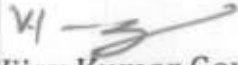
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that no grievance w.r.t delay in taking possession remains after occupation certificate and offer of the unit.

However, the counsel for the complainant states that as per the photographs of the site attached with the complaint, the construction work is still going on at site and the project is not yet completed. More-over the Hon'ble Supreme Court has already held that the above conditions have been incorporated at the time of execution of conveyance deed by using the pre-dominant position and are one sided and hence may be set aside.

Both the parties are directed to submit written submissions within 2 weeks with an advance copy to each other.

Matter to come up on **04.04.2024** for further proceedings


Vijay Kumar Goyal
Member
11.01.2024