

PROCEEDINGS OF THE DAY		37
Day and Date	Monday and 06.02.2023	
Complaint No.	CR/1284/2022 Case titled as Vandana Sharma and Rajiv Sharma Vs Ansal Housing Limited	
Complainant	Vandana Sharma and Rajiv Sharma	
Represented through	S/Shri G.N. Gautam and Himanshu Gautam Advocates	
Respondent	Ansal Housing Limited	
Respondent Represented through	Shri Sparsh Chaudhary proxy counsel	
Last date of hearing	03.02.2023	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings

The present complaint was filed on 08.04.2022 and the reply on behalf of respondent has been received on 27.09.2022.

The succinct facts of the case are as follows:

S. N.	Particulars	Details
1.	Project name and location	"Ansal Hub-83", Sector-83, Gurugram
2.	Project area	2.46875 acres
3.	Nature of the project	Commercial colony
4.	DTCP license no. and validity status	87 of 2009 dated 30.12.2009 valid up to 29.12.2013
5.	Name of licensee	Mr. Virender Singh & Mrs. Meena Devi c/o Aakash Infrastructure Pvt. Ltd.



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हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

6.	RERA registration details	Not registered
7.	Unit no.	025 [pg. 12 of complaint]
8.	Unit measuring	352.18 sq. ft. [pg. 12 of complaint]
9.	Date of allotment letter	10.07.2012 [pg. 12 of complaint]
10.	Date of sanction of building plans	11.09.2013
11.	Possession clause	26. <i>The developer shall offer possession of the unit any time, within a period of 36 months from the date of sanction of building plans or date of execution of allotment letter, whichever is later subject to force majeure circumstances such as act of god, fire, earthquake, flood, civil commotion, war, riot, explosion, terrorist acts, sabotage, or general shortage of energy labour equipment facilities material o supplies, failure of transportation, strike, lockouts, action of labour union, any dispute with any contractor/construction agency appointed by the developer, change of law, or any notice, order, rule or notification issued by any courts/tribunals and/or any other public or competent authority or intervention of statutory authorities, or any other reason(s) beyond the control of the developer. The allottee(s) shall not be entitled to any compensation on the grounds of delay in offering possession due to reasons beyond the control of the developer."</i>

		(Emphasis supplied) [pg. 21 of complaint]
12.	Due date of possession	11.09.2016 [Note: Due date calculated from date of sanction of building plan i.e., 11.09.2013 being later.]
13.	Delay in handing over of possession till the date of this order i.e., 06.02.2023	6 years 4 months 26 days
14.	Basic sale consideration as per payment plan annexed with allotment letter at page 14 of complaint.	₹ 28,50,897/-
15.	Total sale consideration as per customer ledger dated 20.01.2022 on pg. 31 of complaint	₹ 30,50,708/-
16.	Total amount paid by the complainant as per customer ledger dated 20.01.2022 on pg. 34 of complaint	₹ 30,29,559/-
17.	Occupation certificate	Not yet obtained
18.	Offer of possession	Not offered

The counsel for the complainant states that inspite of having booked the unit way back in 2012 and after having waited for more than 10 years and having paid the full consideration money, the offer of possession is not yet made and hence, delayed possession charges as per statutory entitlement under section 18 of the Act be awarded. Further the complainant clarifies that the BBA was executed with respondent No.1 and all payments have been made to the respondent No.1 only and hence, there is no need to implead the land owner as necessary party. The counsel for the complainant further requests that similar relief has been granted by the authority in the above project in CR



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No.4954 of 2021 decided on 06.07.2022 and hence, requests for grant of delay possession charges at prescribed rate of interest with the directions to the respondent for handing over possession after obtaining occupation certificate.

The counsel for the respondent may file written submissions within 15 days after supplying a copy to the counsel of complainant.

Order reserved.

Matter to come up on 20.04.2023 for pronouncement of order.

Ashok Sangwan
Member

V.I. - 3
Vijay Kumar Goyal
Member
06.02.2023