



**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**

**54**

|                                |                                                                             |
|--------------------------------|-----------------------------------------------------------------------------|
| Day and Date                   | Wednesday and 11.12.2024                                                    |
| Complaint No.                  | CR/1476/2024 Case titled as Deepak Arora VS Sunrays Heights Private Limited |
| Complainant                    | Deepak Arora                                                                |
| Represented through            | Shri Vijay Pratap Singh Advocate                                            |
| Respondent                     | Sunrays Heights Private Limited                                             |
| Respondent Represented through | Ms. Arpita Advocate                                                         |
| Last date of hearing           | 18.09.2024                                                                  |
| Proceeding Recorded by         | Naresh Kumari                                                               |

**Proceedings**

The present complaint was filed on 18.04.2024 and reply on behalf of the respondent was received on 19.09.2024.

Succinct facts of the case are as follows:

| S.No. | Particulars                   | Details                                                       |
|-------|-------------------------------|---------------------------------------------------------------|
| 1.    | Name of the project           | "Sixty-Three Golf Drive", Sector 63-A, Gurugram"              |
| 2.    | Project area                  | 5.9 acres                                                     |
| 3.    | Nature of the project         | Affordable Group Housing Policy- Residential Flat             |
| 4.    | DTPC License no. and validity | 82 of 2014 dated 08.08.2014 Valid upto 07.08.2019             |
| 5.    | Name of licensee              | Sunrays Heights Pvt. Ltd., Smt. Kiran W/o Dharam              |
| 6.    | RERA registration details     | Registered 249 of 2017 dated 26.09.2017 valid upto 25.09.2022 |
| 7.    | Flat buyer's agreement        | Undated                                                       |
| 8.    | Provisional Allotment Letter  | 11.01.2016<br>(Page 18 of complaint)                          |

An Authority constituted under section 20 the Real Estate (Regulation and Development) Act, 2016  
भू-संपदा (विनियमन और विकास) अधिनियम, 2016 की धारा 20 के अंतर्गत गठित प्राधिकरण



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|     |                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|-----|--------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 9.  | Unit no.                       | 25, Tower D<br>(Page 34 of complaint)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 10. | Unit area admeasuring          | Carpet Area- 361.89 sq.ft<br>Balcony Area- 69.84 sq.ft.<br>(Page 34 of complaint)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 11. | Possession clause              | <b>4- Possession</b><br>"4.1 The developer shall endeavor to handover possession of the said <b>flat within a period of 4 years i.e. 48 months from the date of commencement of project</b> , subject to force majeure & timely payment by the allottee towards the sale consideration, in accordance with the terms as stipulated in the present agreement."<br>(BBA at page 24 of complaint)<br><b>or</b><br><b>*Note: As per affordable housing policy 2013 - 1(iv) All such projects shall be required to be necessarily completed within 4 years from the approval of building plans or grant of environmental clearance, whichever is later. This date shall be referred to as the "date of commencement of project" for the purpose of this policy. The licences shall not be renewed beyond the said 4 years period from the date of commencement of project.</b> |
| 12. | Date of building plan approval | 10.03.2015<br>(Page 31 of reply)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 13. | Date of environment clearance  | 16.09.2016<br>(Page 37 of reply)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 14. | Due date of possession         | 16.03.2021<br>(Calculated from date of environment clearances i.e., 16.09.2016 being later, which comes out to be 16.09.2020 + 6 months as per HARERA notification no. 9/3-2020 dated 26.05.2020 for projects having completion date on or after 25.03.2020, on account of force majeure conditions due to outbreak of Covid-19 pandemic)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 15. | Basic sale consideration       | Rs. 14,82,480/-<br>(BBA at page 34 of complaint)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

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

|     |                                                  |                                                                                     |
|-----|--------------------------------------------------|-------------------------------------------------------------------------------------|
| 16. | Amount paid by the complainant                   | Rs.13,50,064/-<br>(Payment plan detail report dated 16.09.2024 at page 58 of reply) |
| 17. | Occupation certificate                           | 08.12.2023<br>(Page 48 of reply)                                                    |
| 18. | Offer of possession                              | Not offered                                                                         |
| 19. | Final Reminder sent by respondent to complainant | 14.03.2024 and 12.04.2024<br>(Page 55 and 56 of reply)                              |
| 20. | Publication in Newspaper                         | 06.04.2024<br>(Page 59 of reply)                                                    |
| 21. | Cancellation Letter                              | 22.04.2024<br>(Page 60 of reply)                                                    |

**The complainant herein is seeking the following relief(s):**

1. Direct the respondent to pay interest for every month of delay at prevailing rate of interest as per the RERA Act starting from 15.03.2021 till actual handover of possession or offer of possession plus two months after obtaining OC, whichever is earlier.
2. Direct the respondent to handover the actual physical possession of the booked flat to the complainant.
3. Direct the respondent to raise the last demand as per the Haryana Affordable Housing Policy towards the consideration of the said unit in order to make the payment.
4. Direct the respondent to quash the letter dated 14.03.2024 demanding illegal arbitrary amount of Rs.4,14,303/- without even raising the last invoice/ demand letter.
5. The Authority to guide as to in which bank account complainant should deposit last demand if raised by respondent as escrow account of respondent is freezed by Authority vide its order dated 12.02.2024.

The due date for handing over of possession of the unit of the complainant was 16.03.2021 after counting the grace period of 6 months. The complainant has already paid an amount of Rs.22,45,862/- against total consideration of Rs. 24,66,870/-. The counsel for the respondent states that an amount of Rs.1,30,720/- has been adjusted as interest of delayed payment. She further states that the unit was cancelled on account of non-payment of balance amount by the complainant.



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Arguments heard.  
Order reserved.

Both the counsels for the parties may submit written submissions within a period of 2 weeks with an advance copy to each other.

Matter to come up on **22.01.2025** for pronouncement of order.

Ashok Sangwan  
Member  
11.12.2024