

PROCEEDINGS OF THE DAY
7

Day and Date	Wednesday and 15.02.2023
Complaint No.	CR/1501/2019 Case titled as Azad Dabas Vs VSR Infratech Private Limited
Complainant	Azad Dabas
Represented through	Complainant in person with Shri Deepak Sharma proxy counsel
Respondent	VSR Infratech Private Limited
Respondent Represented	Ms. Shriya Takkar and Manish Tawar Advocates
Last date of hearing	06.12.2022
Proceeding Recorded by	Naresh Kumari and HR Mehta

Proceedings

The present complaint was received on 23.04.2019 and the reply on behalf of respondent was received on 10.01.2020.

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

S. N.	Particulars	Details
1.	Name of the project	"68 Avenue", Sector 68, Gurugram
2.	Project area	3.231 acres
3.	Nature of the project	Commercial Colony
4.	DTCP license no. and validity status	04 of 2012 dated 23.01.2012
5.	Name of licensee	Sh. Yad Ram and



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हरियाणा मू-संपदा विनियामक प्राधिकरण, गुरुग्राम

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

6.	RERA Registered/ not registered	119 of 2017 dated 28.08.2017
7.	RERA registration valid up to	30.06.2018
8.	Date of Allotment Letter	01.10.2012 (Page 21 of the complaint)
9.	Unit no.	SA8-69, 8 th floor, Tower A (Page 34 of the complaint)
10.	Unit area admeasuring (super area)	704.180 sq. ft. (Page 34 of the complaint)
11.	Space Buyer's Agreement	Executed on 25.11.2013
12.	Possession clause	31. Possession Time and Compensation "The company will be based on its present plans and estimates contemplates to offer possession of the said unit to the allottee(s) within 36 months of signing of this Agreement or within 36 months from the start of construction of the said building whichever is later with a grace period of 3 months, subject to force majeure events or governmental action/inaction". (Page 40 of the complaint)
13.	Due date of possession	25.02.2017 (Calculated as per SBA)



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14.	Total sale consideration	Rs. 52,94,730/- plus taxes i.e. duties, levy and other charges (Page 34 of the complaint)
15.	Amount paid by the complainants	Rs. 52,17,390/- (As per statement of account on page
16.	Occupation certificate /Completion certificate	02.08.2019 (Page 44 of the reply)
17.	Offer of Possession	30.08.2018 (Page 69 of the complaint)
18.	Delay in handing over possession till offer of possession 30.08.2018	1 year 6 months

The complainant present in person states that an email was sent to him for taking possession and he came all the way from Canada for taking possession whereas after 7 months of that intimation when he visited the site found that the unit was not in a habitable condition.

The counsel for the respondent states that they had applied for OC on 31.07.2017 but the same could not be processed due to the order dated 16.07.2015 of Hon'ble High Court, at page 134 of the reply wherein it was categorically mentioned that no fresh OC be granted in Sectors 68 to 80 and further stated that unit in question falls in sector 68, Gurugram which led to delay in obtaining the OC. The counsel for the respondent further invited attention of the authority on CR No.232 of 2018 in case of Bihari Lal Bakshi vs. VSR Infratech Pvt. Ltd. in which the authority directed the respondent to pay interest for every month of delay from due date of possession i.e. 22.02.2017 to 07.03.2018. Finally after obtaining OC on 02.08.2019, the respondent sent a reminder on 08.12.2020 to clear the dues and take possession.



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The complainant present in person further states that the OC was not given to the respondent timely by the competent authority because of the lapses in the application made by the respondent for obtaining OC.

The authority further directs and appoints an LC Mr. Sumit Nain to inspect the unit after fixing time with both the complainant and respondent and to submit report within 2 weeks.

Matter to come up on 10.03.2023 for further proceedings.


Sanjeev Kumar Arora

Member

15.02.2023