



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

16

Day and Date	Thursday and 01.08.2024
Complaint No.	CR/1528/2021 Case titled as HEMALI SHARMA VS HOMETOWN PROPERTIES PVT. LTD.
Complainant	HEMALI SHARMA
Represented through	Complainant in person with Ms. Smriti Advocate
Respondent	HOMETOWN PROPERTIES PVT. LTD.
Respondent Represented	Shri B.N. Sahu AR of the company
Last date of hearing	18.07.2024
Proceeding Recorded by	Naresh Kumari and HR Mehta

Proceedings

On last day of hearing both the counsels were directed to file written submissions. The counsel for respondent was directed to file calculation sheet after adjusting delay possession interest which has not been filed till date.

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

S. No.	Particulars	Details
1.	Name and location of the project	"Oodles Skywalk", Sector 83, Gurugram
2.	Unit no.	G-116, Ground floor (As per BBA on page 23 of complaint)
3.	Unit area admeasuring (super area)	252.95 sq. ft. (As per BBA on page 23 of complaint)
4.	Allotment Letter	19.03.2014 (Page 39 of reply)
5.	Date of execution of buyer's agreement	01.10.2014 (As per BBA on page 21 of complaint)
6.	Possession Clause	38.



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CK/1528/202

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

		The "Company" will, based on its present plans and estimates, contemplates to offer possession of said unit to the Allottee(s) within 36 months (refer d. 37 above) of signing of this Agreement or within 36 months from the date of 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.
7.	Date of start of construction	26.03.2014 (As per demand letter dated 12.01.2018 on annexure R-4)
8.	Due date of possession	01.10.2017 (Calculated as 36 months from date of execution of BBA i.e., 01.10.2014 as the same is later)
9.	Sale consideration	Rs.32,93,409/- (As per BBA on page 23 of complaint)
10.	Amount paid by the complainant	Rs.17,11,931/- (Page 81 of reply) However, the complainant contends that it had paid an amount of Rs.18,34,243/- vide cheque bearing no. 06772. The complainant also submits that the cheque was also encashed by the respondent, but no receipt was given to the complainant. Rs.35,46,174/- as stated by the complainant
11.	Reminder Letters	21.02.2018, 20.03.2018 (Page 71-72 of reply) 05.05.2018, 25.05.2018, 30.06.2018 (Page 74-76 reply) Final Reminder: 31.07.2018 (Page 77 of reply) 22.10.2018 (Page 79 of reply) Final Reminder: 16.01.2019 (Page 80 of reply)

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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CR/1528/2021

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

		Final Opportunity: 30.05.2019 (Page 81 of reply)
12.	Cancellation Letter	05.08.2019 (Page 82 of reply)
13.	Occupation certificate	Not annexed
14.	Offer of possession	Not offered

The complainant is seeking delayed possession charges from the due date of possession i.e. from 1.10.2017 as no offer of possession has been made by the respondent. Occupation certificate has not yet been obtained by the respondent from the competent authority.

As per page 81 of the reply, the complainant has paid Rs.17,11,931/- whereas the complainant contends that it had paid an amount of Rs.18,34,243/- vide cheque bearing no. 06772. The complainant also submits that the cheque was also encashed by the respondent, but no receipt was given to the complainant and further states that the complainant has paid total amount Rs.35,46,174/-

In view of the above, both the parties are directed to file written submissions within a period of 15 days after supplying a copy of the same to each other alongwith statement of account.

Matter stands disposed off. Detailed order will follow.

V.I - 3
Vijay Kumar Goyal
Member
01.08.2024