



**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                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                  | 39                                                   |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|------------------------------------------------------|
| Day and Date                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Thursday and 24.04.2025                                                          |                                                      |
| Complaint No.                                                                                                                                                                                                                                                                                                                                                                                                                                                            | CR/158/2024 Case titled as S Sasi Kumar VS Ocean Seven Buildtech Private Limited |                                                      |
| Complainant                                                                                                                                                                                                                                                                                                                                                                                                                                                              | S Sasi Kumar                                                                     |                                                      |
| Represented through                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Shri Bhajan Lal Jangra Advocate                                                  |                                                      |
| Respondent                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Ocean Seven Buildtech Private Limited                                            |                                                      |
| Respondent Represented through                                                                                                                                                                                                                                                                                                                                                                                                                                           | Shri Arun Yadav Advocate                                                         |                                                      |
| Last date of hearing                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 13.03.2025                                                                       |                                                      |
| Proceeding Recorded by                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Naresh Kumari and HR Mehta                                                       |                                                      |
| <p style="text-align: center;"><b>Proceedings</b></p> <p>The present complaint has been received on 09.02.2024 and registered as complaint bearing no. 158 of 2023 and reply on behalf of respondent received on 11.09.2024.</p> <p>On 02.01.2025, the complainant is directed to provide the date of execution of buyer's agreement, as BBA annexed with complaint is undated.</p> <p>The succinct facts of the case as per complaint and annexures are as follows:</p> |                                                                                  |                                                      |
| <b>S. N.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>Particulars</b>                                                               | <b>Details</b>                                       |
| 1.                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Name and location of the project                                                 | "Expressway Towers", Sector-109, Gurugram.           |
| 2.                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Project area                                                                     | 7.50 Acres                                           |
| 3.                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Nature of Project                                                                | Residential (Affordable Group Housing)               |
| 4.                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | DTCP license no. and validity status                                             | 06 of 2016 dated 16.06.2016<br>Valid upto 15.06.2021 |
| 5.                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Name of Licensee                                                                 | M/s Ocean Seven Buildtech Pvt. Ltd.                  |



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CR/158/2021

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|     |                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|-----|------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 6.  | Rera registered/ not registered and validity status        | <b>Registered</b><br>Vide no. 301 of 2017 dated 13.10.2017<br>Valid upto 12.10.2021                                                                                                                                                                                                                                                                                                                                                                          |
| 7.  | Unit no.                                                   | 1301, 13 <sup>th</sup> floor, Tower-05.<br>(page 30 of complaint)                                                                                                                                                                                                                                                                                                                                                                                            |
| 8.  | Unit Admeasuring                                           | 644 sq. ft. carpet area<br>and 100 sq. ft. balcony area<br>(page 30 of complaint)                                                                                                                                                                                                                                                                                                                                                                            |
| 9.  | Approval of Building Plan                                  | 26.09.2016<br>(Taken from similar complaint of similar project bearing no. CR/4086/2020)                                                                                                                                                                                                                                                                                                                                                                     |
| 10. | Environmental Clearance                                    | 30.11.2017<br>(Taken from similar complaint of similar project bearing no. CR/4086/2020)                                                                                                                                                                                                                                                                                                                                                                     |
| 11. | Buyer's Agreement                                          | <b>Undated</b><br>(page 28 of complaint)                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 12. | Possession Clause as per buyer's agreement                 | <b>5.2 Possession Time</b><br><i>The company shall sincerely endeavor to complete the construction and offer the possession of the said unit within five years from the date of receiving of license ("Commitment Period") ...</i><br>[Emphasis supplied]                                                                                                                                                                                                    |
| 13. | Possession Clause (as per affordable housing policy, 2013) | <b>1(IV) of the Affordable Housing Policy, 2013</b><br><i>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 licenses shall not be renewed beyond the said 4 years period from the date of commencement of project.</i> |

|     |                        |                                                                                                                                                                                                                                     |
|-----|------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 14. | Due date of possession | <b>30.05.2022</b><br>30.11.2021 Plus additional grace of 6 months in lieu of Covid-19 as per the HARERA Notification.<br><br>[Note: The due date is calculated form the date of environmental clearance (31.11.2017), being later.] |
| 15. | Sale consideration     | Rs.26,26,000/-<br>(as mentioned in BBA at page 33 of complaint)                                                                                                                                                                     |
| 16. | Total amount paid      | Rs.27,14,626/-<br>(As per Ledger Account at page no.64 of complaint)                                                                                                                                                                |
| 17. | Occupancy Certificate  | Not obtained                                                                                                                                                                                                                        |
| 18. | Offer of possession    | Not offered                                                                                                                                                                                                                         |

The complainant is seeking delay possession charges till handing over of possession and handing over the physical possession, execution of the conveyance deed after offering valid offer of possession to the complainant and not to demand Labour Cess, VAT, Work Contract Tax and Power Backup Charges etc. along with other reliefs.

The counsel for the respondent states that environment clearance was obtained by the respondent on 30.11.2017 and consent to establish was granted in February, 2018 and a per consent to establish, the due date of possession comes out to be in August, 2022 after grant of grace period of 6 months due to COVID-19. Further states that the license of the respondent has been terminated by the DTCP on the request of the RWA and there is no fault of the respondent to complete the project. Hence, the period of termination of license may be treated as Zero period while calculating the delayed possession charges.

Arguments heard.

Order reserved.



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Both the parties to file brief written submissions within a period of 2 weeks with an advance copy to each other. And shall also clarify the date of execution of buyer's agreement.

Matter to come up on 30.05.2025 for pronouncement of order.

  
Vijay Kumar Goyal  
Member  
24.04.2025