



HARERA
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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		116
Day and Date	Tuesday and 19.11.2024	
Complaint No.	CR/1584/2023 Case titled as Partik Sabharwal and Payal Sabharwal VS Emaar MGF Land Limited	
Complainant	Partik Sabharwal and Payal Sabharwal	
Represented through	Shri Gaurav Rawat Advocate	
Respondent	Emaar MGF Land Limited	
Respondent Represented	Shri Dhruv Rohatgi Advocate	
Last date of hearing	20.08.2024	
Proceeding Recorded by	Naresh Kumari and HR Mehta	
Proceedings The present complaint was filed on 17.04.2023 and the respondent has filed reply to the present complaint on 12.09.2023. Succinct facts of the case as per complaint and reply are as under:		
S. No.	Particulars	Details
1.	Name of the project	Premier Terraces at Palm Drive, Sector 66, Gurugram, Haryana
2.	Registration	Registered 24 of 2020 Valid from 10.9.2020 up to 08.08.2021
3.	Allotment letter	30.11.2007 (Page 39 of complaint)
4.	Unit no.	H-706 2125 sq. ft. (Page 39 of complaint)
5.	Date of execution of buyer's agreement	26.02.2008 [page 44 of complaint]
6.	Possession clause	14. POSSESSION (a) Time of handing over the Possession Subject to terms of this clause and subject to the Apartment Allottee having complied with all the terms and conditions of this Agreement, and not being in default under



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		<i>any of the provisions of this Agreement and compliance with all provisions, formalities, documentation etc., as prescribed by the Company, the Company proposes to hand over the possession of the Apartment/Villa/Penthouse by December 2010. The Apartment Allottee agrees and understands that the Company shall be entitled to a grace period of <u>ninety (90) days, for applying and obtaining the occupation certificate in respect of the Group Housing Complex.</u></i> (Emphasis supplied) [Page no. 62 of complaint]
9.	Due date of possession	31.03.2011 [Note:- December 2010 as mentioned in the buyer's agreement + 90 days grace period]
10.	Total consideration	Rs.1,21,29,841 /- (As per SOA dated 28.08.2023 at page 151 of reply)
11.	Total amount paid by the complainant a	Rs.1,21,29,841 /- (As per SOA dated 28.08.2023 at page 151 of reply)
12.	Occupation certificate	25.01.2018 [page 107 of reply]
13.	Offer of possession to the complainants	23.02.2018 [page 109 of reply]
14.	Unit handover letter issued in favor of the complainants dated	27.06.2018 [page 121 of reply]
15.	Conveyance deed executed between the respondent and the complainants on	09.10.2018 [page 124 of reply]

The counsel for the complainant states that the complainant is seeking the following reliefs:

1. Direct the respondent to pay the interest on the total amount paid by the complainants at the prescribed rate of interest as per the Act of 2016 from due date of possession till date of actual physical possession



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2. Direct the respondent company to pay the balance amount due to the complainants from the respondent on account of the interest, as per the guidelines laid in the Act, 2016.
3. Direct the respondent to provide the amenities and golf driving range as per brochure and layout plan provided at the time of booking.
4. Direct the respondent company to set aside the one-sided indemnity bond get signed by the respondent.

The counsel for the respondent states that occupation certificate has been obtained on 25.1.2018 and offer of possession has been made on 23.2.2018 and also conveyance deed has been executed in favour of the complainant on 9.10.2018. Hence the present complaint is barred by limitation and be dismissed.

Arguments heard.

Order reserved.

Both the parties may submit written submissions within a period of 4 weeks with an advance copy to each other.

Matter to come up on 04.03.2025 for pronouncement of order.

Ashok Sangwan
Member

Arun Kumar
Chairman
19.11.2024

Vijay Kumar Goyal
Member