



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

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Day and Date	Thursday and 24.04.2025
Complaint No.	CR/159/2024 Case titled as Uttam Kumar Biswas and Sunanda Biswas VS Ocean Seven Buildtech Private Limited
Complainant	Uttam Kumar Biswas and Sunanda Biswas
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

Proceedings

The present complaint has been received on 09.02.2024 and registered as complaint bearing no. 159 of 2023 and reply on behalf of respondent received on 11.09.2024.

The succinct facts of the case as per complaint and annexures are as follows:

S. N.	Particulars	Details
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 Valid upto 15.06.2021
5.	Name of Licensee	M/s Ocean Seven Buildtech Pvt. Ltd.
6.	Rera registered/ not registered and validity status	Registered Vide no. 301 of 2017 dated 13.10.2017 Valid upto 12.10.2021



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CR/159/2024

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7.	Unit no.	1004, 10 th floor, Tower-5. (page 28 of complaint)
8.	Unit Admeasuring	644 sq. ft. carpet area and 100 sq. ft. balcony area (page 28 of complaint)
9.	Allotment Letter	20.05.2017 (page 12 of complaint)
10.	Approval of Building Plan	26.09.2016 (Taken from similar complaint of same project bearing no. CR/4086/2020)
11.	Environmental Clearance	30.11.2017 (Taken from similar complaint of same project bearing no. CR/4086/2020)
12.	Buyer's Agreement	07.09.2019 (page 32 of complaint)
13.	Possession Clause as per buyer's agreement	5.2 Possession Time <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> [Emphasis supplied]
14.	Possession Clause (as per affordable housing policy, 2013)	1(IV) of the Affordable Housing Policy, 2013 <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>
15.	Due date of possession	30.05.2022 30.11.2021 Plus additional grace of 6 months in lieu of Covid-19 as per the HARERA Notification. [Note: The due date is calculated form the date of environmental clearance]



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		(31.11.2017), being later.]
16.	Sale consideration	Rs.26,26,000/- (as mentioned in BBA at page 37 of complaint)
17.	Total amount paid	Rs.29,83,793/- (As per Ledger Account at page no.71 of complaint)
18.	Occupancy Certificate	Not obtained
19.	Offer of possession	Not offered

The complainant is seeking delay possession charges till handing over of possession and handing over the physical possession, 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.

Parties may file brief written submissions within a period of 2 weeks with an advance copy to each other.

Matter to come up on 30.05.2025 for pronouncement of order.


Vijay Kumar Goyal
Member
24.04.2025