

PROCEEDINGS OF THE DAY		44
Day and Date	Wednesday and 19.02.2025	
Complaint No.	CR/1597/2024 Case titled as Gaurav Jain and Shweta Nahar VS Martial Buildcon Private Limited & M3M India Private Limited	
Complainant	Gaurav Jain and Shweta Nahar	
Represented through	Shri Akhil Agarwal Advocate	
Respondent	Martial Buildcon Private Limited & M3M India Private Limited	
Respondent Represented through	Ms. Shriya Takkar and Ms. Smriti Srivastava Advocates	
Last date of hearing	18.12.2024	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings

The present complaint has been received on 26.04.2024 and the reply on behalf of respondent has been received on 28.08.2024.

Succinct facts of the case are as under:

Sr. No.	Particulars	Details
1.	Name of the project	M3M Urbana Premium, Sector-67
2.	Project area	11.13 acres
3.	DTCP license no. and validity status	89 of 2010 dated 28.10.2010 Valid upto 27.10.2022
4.	RERA Registered/ not registered	348 of 2017 dated 09.11.2017 valid upto 28.08.2024
5.	Unit no.	MUP/R/Food Court/2L/006, 2 nd Floor (page 47 of complaint)
6.	Unit area	1123.5 sq. ft. (super area)



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हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

7.	Date of builder buyer agreement	29.09.2018 (page 42 of complaint)
8.	Possession clause	16.1 "The company, based upon its present plans and estimates, and subject to all exceptions, proposes to handover possession of the unit within a period of Fifty Four (54) months from the date of commencement of construction which shall mean laying of first plain cement concrete/mud-mat slab of the block/building in which the unit is located or the date of execution of this agreement, whichever is later (Commitment Period) ." (page 76 of complaint)
9.	Due date of possession	18.08.2022 (Calculated from the date of execution of agreement due to non-availability of any document w.r.t to commencement of construction + 6 months as per HARERA notification no. 9/3-2020 dated 26.05.2020 for the projects having completion date on or after 25.03.2020)
10.	Total sale consideration	Rs.1,42,47,103.50/- (page 102 of the complaint)
11.	Amount paid by the complainant	Rs. 1,52,10,490.52/- (as per Annexure C-3 at page 113 of complaint)
12.	Occupation certificate	24.02.2021 (Page 99 of the reply)
13.	Notice of offer of possession	25.02.2021 [page 115 of complaint]



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The counsel for the complainant states that the complainant is mainly seeking the relief of delayed possession charges and waiver of holding charges as well as maintenance charges levied from the date of offer of possession till valid offer of possession by the respondent.

The counsel for the respondent states that no commitments were made by the respondent w.r.t leasing out the unit of the complainant. Further, the respondent is willing to hand over the physical possession of the unit and the complainant is free to lease out the unit. So far as DPC is concerned, the due date for offer of possession was 18.08.2022 in terms of Clause 16.1 of the BBA which was executed on 29.09.2018 (including grace period of 180 days). The offer of possession was made on 25.02.2021 after receipt of OC on 24.02.2021, therefore, there is no delay in offering the possession of the unit. With regard to the specifications, attention is invited to Clause 29 of the BBA, as per which internal works are required to be done by the allottee themselves.

The counsel for the complainant refers to Annexure-D of the Specifications wherein various aspects of the civil works in the food court have been defined. The same have not been provided till date.

Arguments heard.

Order reserved.

Parties may file written submissions within a period of 15 days with an advance copy to each other.

Matter to come up on 23.04.2025 for pronouncement of order.

Ashok Sangwan
Member
19.02.2025