



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		118
Day and Date	Tuesday and 19.11.2024	
Complaint No.	CR/1743/2023 Case titled as Dinesh Chandra Gupta VS Emaar MGF Land Limited	
Complainant	Dinesh Chandra Gupta	
Represented through	Shri Vedant Sharma proxy counsel	
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	Palm Gardens, Sector 83, Village Kherki Daula , Gurugram, Haryana
2.	Registration	Registered 330 of 2017 Valid from 24.10.2017 upto 31.12.2018
3.	Unit no.	506 5 th floor building no. 7 1900 sq. ft. [Page 44 of complaint]
4.	Date of execution of buyer's agreement	27.04.2011 [page 42 of complaint]
5.	Possession clause	10. POSSESSION (a) Time of handing over the Possession Subject to terms of this clause and subject to the Allottee(s) having complied with all the terms and conditions of this Buyer's Agreement, and not being in default under any of the provisions of this Buyer's Agreement and



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		<i>compliance with all provisions, formalities, documentation etc., as prescribed by the Company, the Company proposes to hand over the possession of the Unit within 36 months from the date of commencement of construction, subject to timely compliance of the provisions of the buyer's agreement by the Allottee. The Allottee(s) agrees and understands that the Company shall be entitled to a grace period of three months, for applying and obtaining the completion certificate/occupation certificate in respect of the Unit and/or the Project.</i> (emphasis supplied) [Page 51 of complaint]
6.	Date of start of construction	09.08.2012 (Page 123 of reply)
7.	Due date of possession	09.11.2015 [Note: 3 months grace period is included]
8.	Total consideration as per SOA dated 16.06.2023 on page 123 of reply	Rs.96,84,536/-
9.	Total amount paid by the complainant as per SOA dated 16.06.2023 on page 124 of reply	Rs.98,11,196/-
10.	Occupation certificate	10.01.2018 [Page 86 of reply]
11.	Offer of possession to the complainants	16.03.2018 [Page 88 of reply]
12.	Unit handover letter issued in favor of the complainants	27.03.2019 [Page 91 of complaint]
13.	Conveyance deed executed between the respondent and the complainants on	03.04.2019 (Page 98 of the reply)

The complainant is seeking the following reliefs:

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



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2. Direct the respondent to refund the holding charges.
3. Direct the respondent to refund Rs.2,85,000/- illegally charges on account of preferential location charges.
4. Direct the respondent to refund Rs.98,300/- on account of maintenance charges.

None is present on behalf of the complainant today.

The counsel for the respondent states that occupation certificate has been obtained on 10.1.2018 and offer of possession has been made on 16.3.2018 and also conveyance deed has been executed in favour of the complainant on 3.4.2019. Hence the present complaint is barred by limitation and be dismissed.

Arguments heard on behalf of the respondent.

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