



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

56

Day and Date	Thursday and 07.11.2024
Complaint No.	CR/1794/2024 Case titled as Nikhil Kumar VS Sunrays Heights Private Limited
Complainant	Nikhil Kumar
Represented through	Shri Vijay Partap Singh Advocate
Respondent	Sunrays Heights Private Limited
Respondent Represented	Shri Tushar Behmani Advocate
Last date of hearing	19.09.2024
Proceeding Recorded by	Naresh Kumari and HR Mehta

Proceedings

The present complaint was filed on 07.05.2024 and the reply on behalf of respondent was received on 30.09.2024.

Succinct facts of the case are as under:

S. N.	Particulars	Details
1.	Name of the project	"Sixty-Three Golf Drive", Sector 63A Gurugram
2	Nature of the project	Affordable group housing
3	RERA registered or not registered	249 of 2017 dated 26.09.2017 valid up to 25.09.2022
4	DTCP license	82 of 2014 dated 08.08.2014 valid up to 31.12.2023
5	Unit no.	A-117 (page 17 of complaint)
6	Unit admeasuring	604.83 sq. ft. (carpet area) 5.10 sq. ft. (balcony area) (page 17 of complaint)
7	Provisional Allotment Letter	11.01.2016 (page 17 of complaint)



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CR/1194/2021

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

8	Date of execution of Buyers agreement	Undated (page 19 of complaint)
9	Possession clause	4.1 <i>The Developer shall endeavor to handover possession of the said flat within a period of four years i.e. 48 months from the date of commencement of project, subject to force majeure & timely payments by the allottee towards the sale consideration, in accordance with the terms as stipulated in the present agreement.</i> (page 34 of complaint) <i>*Note: As per affordable housing policy 2013 1(iv) 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 licence shall not be renewed beyond the said 4 years from the date of commencement of project.</i>
10	Date of building plan	10.03.2015 (taken from another file CR/2814/2021 decided on 30.11.2023 of same project)
11	Date of environment clearance	16.09.2016 (taken from another file CR/5238/2022 of same project)
12	Due date of possession	16.03.2021 (16.09.2020 plus six months in lieu of covid-19) (calculated from the date of environment clearance)
13	Total sale consideration	Rs.24,66,870/- (as per BBA page 32 of complaint)
14	Amount paid by the complainant	Rs.22,45,862/- (page 14 of complaint and page 65 of reply)
15	Final reminder	14.05.2024 (page 59 of reply)
16	Newspaper Publication	21.06.2024 (page 61 of reply)
17	Occupation certificate	Not obtained
18	Offer of possession	Not offered



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19 Cancellation letter

The complainant has sought following relief(s):

1. Direct the respondent to pay DPC.
2. Restrain the respondent from cancelling the unit and not to create third party rights.
3. To raise last demand in accordance with Affordable housing policy, 2016
4. Provide Copy of occupation certificate.

Arguments heard.

Both the parties may file brief written submissions within 3 weeks with an advance copy to each other.

Matter to come up on 30.01.2025 for final arguments/orders.

Vijay Kumar Goyal
Member
07.11.2024