



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		91
Day and Date	Tuesday and 08.04.2025	
Complaint No.	CR/1794/2024 Case titled as Nikhil Kumar VS Sunrays Heights Private Limited	
Complainant	Nikhil Kumar	
Represented through	Shri Vijay Pratap Singh Advocate	
Respondent	Sunrays Heights Private Limited	
Respondent Represented through	Shri Tushar Behmani Advocate	
Last date of hearing	30.01.2025	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings

The counsel for the complainant states that the complainant has paid more than 85% of the consideration amount for the unit and the respondent is making exorbitant demands on the complainant and threatening to cancel the unit of the complainant if the same are not paid. He further states that the due date for handing over of possession was 16.03.2021 and till date the respondent has not offered possession of the unit.

The counsel for the respondent states that Occupation Certificate for the unit has been received on 31.12.2024 and offer of possession is being sent to the complainant very shortly. Further, he states that the complainant has approached the NCLT Delhi Bench for relief of refund and the matter is coming up for hearing on 24.04.2025 in case No.IB-48 of 2025. The relief in NCLT is contradictory to the relief being sought in the Authority.

Heard.

The Authority is of the view that the complaint filed before this Authority is with respect to the statutory provisions under the Real Estate (Regulation & Development) Act, 2016 which is a special Act to regulate and promote the real estate sector and to ensure sale of plot, apartment or building, as the case



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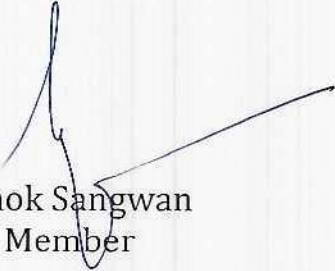
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may be in an efficient and transparent manner and to protect the interest of consumers in the real estate sector. The purpose of the IBC is different. Further, no order regarding admission of the CIRP qua the respondent has been passed till date.

Admittedly, the Occupation Certificate for the project has been received on 31.12.2024. In view of the above, the respondent is directed to offer possession of the unit to the complainant and pay delay possession charges to the complainant at the rate of 11.10% from the due date i.e., 16.03.2021 upto 2 months from the date of offer of possession or actual handing over of the unit, whichever is earlier. The respondent is directed to submit the updated statement of account taking into consideration the delay possession charges as well the delay in making payment of pending consideration amount at the equitable rate of interest i.e., 11.10% (SBI MCLR + 2%) within 30 days to the complainant. The complainant shall make payment of the balance amount due, if any, within the next 60 days. The respondent is further directed to handover possession and execute the conveyance deed on payment of stamp duty and registration charges. The respondent shall not charge anything which is not the part of the buyer's agreement.

Matter stands disposed of. Detailed order will follow.


Aashok Sangwan
Member


Arun Kumar
Chairman
08.04.2025


Vijay Kumar Goyal
Member