

<b>PROCEEDINGS OF THE DAY</b>		<b>32</b>
Day and Date	Thursday and 16.02.2023	
Complaint No.	CR/1848/2022 Case titled as Harpreet Singh and Gurpreet Kaur Vs Vipul Limited	
Complainant	Harpreet Singh and Gurpreet Kaur	
Represented through	Shri Manish Shukla Advocate	
Respondent	Vipul Limited	
Respondent Represented	Shri Nishant Jain Advocate	
Last date of hearing	26.10.2022	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

### Proceedings

The complaint was received on 06.05.2022 and the reply on behalf of respondent was received on 25.07.2022.

Succinct facts of the case as per complaint and annexures are as under:

S. N.	Particulars	Details
1.	Name of the project	"Vipul Lavanya", Sector 81, Gurgaon
2.	Project area	10.512 acres
3.	Nature of the project	Group Housing Complex
4.	DTCP license no. and validity status	26 of 2010 dated 18.03.2010 valid upto 17.03.2020.
5.	Name of licensee	Vijay Luxmi INDS and 4 others
6.	RERA Registered/ not registered	Registered vide 15 of 2018 dated 11.09.2018



**HARERA**  
**GURUGRAM**

**HARYANA REAL ESTATE REGULATORY AUTHORITY**  
**GURUGRAM**

हरियाणा मू-संपदा विनियामक प्राधिकरण, गुरुग्राम

22/10/2022

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

7.	RERA registration valid up to	31.08.2019
8.	Allotment Letter	05.10.2018 (Page 28 of the complaint)
9.	Flat Buyer's Agreement	05.10.2018 (As per on page 36 of complaint)
10.	Unit no.	<b>Unit no. 201, Second Floor, Tower-02</b> <b>(Page 38 of the complaint)</b>
11.	Unit area admeasuring	1780 sq. ft. (super area) <b>(Page 38 of the Complaint)</b>
12.	Possession clause	<b>8.1 Possession of the Unit</b> The vendor proposes to hand over the possession of the flat by <b>December 2018</b> unless extended by the Authority in accordance with the Act and Rules made thereunder subject to the receipt of requisite other approvals & permissions from the concerned authorities. <i>(The term of grace period is not mentioned.)</i>
13.	Due date of possession	December 2018
14.	Total sale consideration	Rs. 62,33,576/- (As per BBA on page 39 of the complaint)

An Authority constituted under section 20 the Real Estate (Regulation and Development) Act, 2016

मू-संपदा (विनियामक और विकास) अधिनियम, 2016 की धारा 20 के अंतर्गत गठित प्राधिकरण



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हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम  
क्र. 18/48/2022

New PWD Rest House, Civil Lines, Gurugram, Haryana

नया पी.डब्ल्यू.डी. विभाग गृह सिविल लाईन, गुरुग्राम, हरियाणा

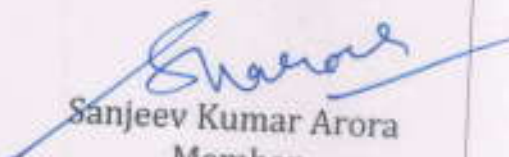
15.	Amount paid by the complainants	Yet to be confirmed
16.	Occupation certificate /Completion certificate	The OC placed on the file is not for the tower in which the subject unit is.
17.	Offer of Possession	11.03.2020 (As per on page 26 of reply)

The counsel for the complainant states that they have received the permissive possession and the respondent has not received the OC, hence the possession is invalid.

The counsel for the respondent states that the offer of possession was made while relying decision in CR No. 1042 of 2021 in case titled as Pooja Jai Krishna versus M/s ADTV communication Pvt. Ltd. However, in that order it is clearly mentioned that respondent is directed to obtain OC form the competent authority and then make a valid and lawful offer post that execution of conveyance deed can be done. In this case the offer of possession was not lawful as being given before obtaining occupation certificate.

Delayed possession charges are allowed at the prescribed rate of interest i.e. 10.60% per annum from the due date of possession till actual handing over possession after obtaining valid occupation certificate.

Detailed order will follow. Matter stands disposed off. File be consigned to the registry.

  
Sanjeev Kumar Arora

Member

16.02.2023