



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

67

Day and Date	Friday and 03.11.2023
Complaint No.	CR/1995/2023 Case titled as Deepak Setia and Surbhi Setia VS ST. Patrick's Reality Private Limited
Complainant	Deepak Setia and Surbhi Setia
Represented through	Shri Sant Garg Advocate
Respondent	ST. Patrick's Reality Private Limited
Respondent Represented	Shri Venket Rao Advocate
Last date of hearing	11.08.2023
Proceeding Recorded by	Naresh Kumari

Proceedings

The present complaint was filed on 02.05.2023 and the reply on behalf of the respondent was filed on 16.08.2023.

Sr. No.	Particulars	Details
1.	Name of the project	"Lake Front Towers at Central Park Flower Valley" situated at sector-32, Gurgaon
2.	Nature of the project	Group Housing Colony
3.	Area of the project	10.925 acres
4.	RERA Registration	
5.	DTCP License no.	84 of 2014 dated 19.08.2014
6.	Unit No.	1104, 11 th floor, Tower G



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		(As per page no. 54 of complaint)
7.	Unit area admeasuring	2134 sq. ft. (As per page no. 54 of complaint)
8.	Date of apartment buyer agreement	26.07.2017 (Page no. 53 of complaint)
9.	Tripartite agreement	March 2018 (Page no. 85 of complaint)
10.	Possession clause	7. Possession 7.1 The Company shall endeavor to handover the possession of the said Apartment to the Allottee within a period of 36 months with a grace period of another 6 (six) months from the date of the Agreement subject to timely payment of sale price, other charges details of payment, Payment Plan and all other payments as per the terms of this Agreement including payment of interest by the Allottee(s).
11.	Due date of possession	26.01.2021 (calculated from the date of agreement including grace period of 6 months)
12.	Basic Sale consideration	Rs. 1,14,92,870/- (page no. 113 of complaint)
13.	Total Sale Consideration	Rs. 1,57,39,236/- (page no. 113 of complaint) RS. 1,14,67,240/- (page no. 114 of complaint)
14.	Amount Paid	Rs. 1,20,75,684/- (page no. 113 complaint)
15.	Occupation certificate	13.01.2023



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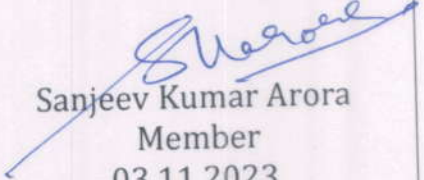
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	(page no. 52 of reply)
16. Offer of possession	16.02.2023 (page no. 106 of complaint)

The counsel for the respondent states that as per clause 7.1 of the BBA which is at page 62 which clearly states that the due date has to be calculated after allowing grace period of 6 months in addition to the grace period which is being allowed on account of Covid, hence the due date in this case comes out to be 26.07.2021 and the possession was offered on 16.02.2023.

Hence the authority hereby directs that there is a delay of around 19 months and hence, delayed possession charges are being allowed at the prescribed rate of interest i.e 10.75% per annum. However, the pre-EMI amount of Rs.11,90,667/- paid by the respondent should be got adjusted against that.

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


Sanjeev Kumar Arora
Member
03.11.2023