

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

PROCEEDINGS OF THE DAY
31

Day and Date	Wednesday and 02.04.2025
Complaint No.	CR/2040/2024 Case titled as Rashi Kapoor VS Sunrays Heights Private Limited
Complainant	Rashi Kapoor
Represented through	Shri Vijay Pratap Singh Advocate
Respondent	Sunrays Heights Private Limited
Respondent Represented through	Shri Tushar Behmani Advocate
Last date of hearing	19.02.2025
Proceeding Recorded by	Naresh Kumari and HR Mehta

Proceedings

The present complaint was filed on 13.05.2024 and the reply on behalf of the respondent was received on 20.11.2024.

Succinct facts of the case are as follows:

S.No.	Particulars	Details
1.	Name of the project	"Sixty-Three Golf Drive", Sector 63-A, Gurugram
2.	Project area	5.9 acres
3.	Nature of the project	Affordable Group Housing
4.	DTPC License no. and validity	82 of 2014 dated 08.08.2014 Valid upto 07.08.2019
5.	Name of licensee	Sunrays Heights Pvt. Ltd., Smt. Kiran W/o Dharam
6.	RERA registration details	Registered 249 of 2017 dated 26.09.2017
7.	Allotment letter	30.08.2018 (Page 19 of complaint)
	Builder Buyer Agreement executed on	21.08.2018

CR/2040/2024

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		(Undated-As stated by respondent at page 06 of reply; As per complainant agreement was executed in 2018- no date specified)
8.	Unit no.	C-123, Tower C (2BHK-Type A) (Allotment letter at page 19 of complaint)
9.	Unit area admeasuring	Carpet Area- 356.18 sq. ft Balcony Area- 69.84 sq. ft. (Allotment letter at page 18 of complaint)
10.	Possession clause	4- Possession "4.1 The developer shall endeavour to handover possession of the said flat within a period of 4 years i.e. 48 months from the date of commencement of project , subject to force majeure & timely payment by the allottee towards the sale consideration, in accordance with the terms as stipulated in the present agreement." (BBA at page 23 of complaint) *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 licences shall not be renewed beyond the said 4 years period from the date of commencement of project."
11.	Date of building plan approval	10.03.2015 (Page 42 of reply)
12.	Date of environment clearance	16.09.2016 (Page 48 of reply)
13.	Due date of possession	16.03.2021 (Calculated from date of environment clearances i.e., 16.09.2016 being later, which comes out to be 16.09.2020 + 6 months as per HARERA notification no. 9/3-2020 dated 26.05.2020 for projects having completion date on or after 25.03.2020, on account of force majeure conditions due to outbreak of Covid-19 pandemic)
14.	Sale consideration	Rs. 14,59,640/- (as per BBA at page 33 of complaint)



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15.	Amount paid by the complainant	Rs.23,75,018/- (as per Payment Plan Detail Report at page 68 of reply)
16.	Occupation certificate	Not obtained (Applied on 08.12.2023- Page 59 of reply)
17.	Offer of possession	Not offered
18.	Final Reminder sent by respondent to complainant	14.05.2024 (Page 60 of reply)
19.	Publication in newspaper	21.06.2024 (Page 64 of reply)

The complainants have sought the following relief(s):

1. Direct the respondent to pay interest @ 8.65% per annum as per the prevailing MCLR plus 2% on the paid amount of Rs.23,75,018/- for delay period starting from 15.03.2021 till the actual handover of physical possession or offer of possession plus 2 month after obtaining OC, whichever is earlier, as per the provisions of the Act.
2. Direct the respondent not to cancel or create any third-party interest on allotted unit and further handover actual physical possession of the unit after obtaining OC from the competent authority.
3. To issue the last demand as per Haryana Affordable Housing Policy towards consideration of the said flat in order to make the payment.
4. The Authority to guide as to in which bank account complainant should deposit last demand if raised by respondent as escrow account of respondent is freezed by Authority vide its order dated 12.02.2024.
5. Direct the respondent to get the copy of application for OC as such the respondent claims that they have applied for OC.
6. Change the address of the complainant to that mentioned in the memo of parties as despite reminders the respondent has not changed the previous address.

Vide proceedings dated 20.11.2024, the Authority directed the respondent to maintain status quo with respect to apartment allotted to the complainant till the decision of the case.

The counsel for the respondent states that the complainant has approached the NCLT in case No.49/2025 seeking claim for refund with interest at the rate of 24% per annum, and the default date has been claimed as 31.03.2023, whereas in the RERA complaint, the due date has been claimed as 16.03.2021 and the relief



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sought is DPC and possession. This fact may be taken into account while deciding the present matter.

The counsel for the complainant states that the matter is at admission stage in the NCLT and no order has been passed.

Heard.

The respondent is directed to file written submissions within a period of 2 weeks with an advance copy to the complainant, providing the updated statement of account taking into account the delay in handing over of possession (DPC) as well as delay in making payment by the complainant. The interest rate may be taken at the prescribed rate of interest i.e. SBI MCLR + 2% which is 11.10% per annum as on date. The complainant may file response to the same within next 2 weeks with an advance copy to the respondent.

Matter to come up on **07.05.2025** for pronouncement of order.

Ashok Sangwan
Member
02.04.2025