

PROCEEDINGS OF THE DAY
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Day and Date	Wednesday and 10.04.2024
Complaint No.	CR/206/2023 Case titled as Deshdeep VS Lotus Realtech Private Limited
Complainant	Deshdeep
Represented through	Shri Parshant Vaxish Advocate
Respondent	Lotus Realtech Private Limited
Respondent Represented	Shri Devender Kumar clerk of Shri Jagbir Singh Advocate
Last date of hearing	31.01.2024
Proceeding Recorded by	Naresh Kumari and HR Mehta

Proceedings

The present complaint has been received on 16.01.2023 and the reply on behalf of the respondent was received on 31.01.2024.

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

S.No	Particulars	Details
1.	Name of the project	"Lotus Homz", Sector- 111, Gurugram
2.	Nature of project	Affordable Group Housing Colony
3.	RERA registered/not registered	214/2017 dated 18.09.2017 Valid upto 30.12.2021
4.	DTPC License no.	47 of 2014 dated 18.06.2014
	Validity status	31.05.2021
	Name of licensee	Ashok Kumar & 1 Other
	Licensed area	05.09 acres
5.	Unit no.	803, Tower/Block- A(1), 8 th floor [as per buyer's agreement on page 51 of complaint]
6.	Unit measuring	605.55 sq. ft. (carpet area) [as per buyer's agreement on page 51 of complaint]



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हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

7.	Date of execution of Apartment buyer's agreement	28.09.2018 (page 45 of complaint)
8.	Possession clause	7.1 The Promoter assures to hand over possession of the Unit/Apartment for Residential usage along with one two wheeler parking site as per agreed terms and conditions i.e. within a period of 4(Four) years from the date of approval of building plans or grant of environment clearance (hear in after referred to as the "Communication Date" whichever is later, unless there is delay due to "force majeure", Court orders, Government policy/guidelines, decisions affecting the regular development of the real estate project. If, the completion of the Project is delayed due to the above conditions, then the Allottee agrees that the Promoter shall be entitled to the extension of time for delivery of possession of the Unit Apartment for Residential usage.
9.	Approval of Building Plan	22.10.2014 (as per information obtained from planning branch)
10.	Environment clearance	01.07.2016 (as per information obtained from planning branch)
11.	Due date of possession	01.07.2020 (calculated from the date of obtaining environmental clearance)
12.	Total Sale Consideration	Rs.24,67,375/- [as per buyer's agreement on page 52 of complaint]
13.	Total amount paid by the complainant	Rs.25,80,868/- (as per SOA on page no. 10 of reply)
14.	Occupation certificate	01.06.2021



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CA 206/23

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15.	Offer of possession	07.06.2021 (page 9 of reply)
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The complainant is seeking DPC and possession and waiver off unreasonable demands and states that similar matters have already been decided in CR Nos.1218/2022, 3108/2021 and 3667/2021.

The Counsel for the respondent requests for a short adjournment vide application dated 09.04.2014 which has been handed over during the course of arguments. The matter is pending for more than one year and no further adjournment is justified. However in the interest of justice, the respondent may submit written arguments with advance copy to the counsel for the complainant within a period of 2 weeks.

Matter to come up on **15.05.2024** for pronouncement of order.

Ashok Sangwan
Member
10.04.2024