

PROCEEDINGS OF THE DAY		36
Day and Date	Thursday and 04.07.2024	
Complaint No.	CR/2171/2023 Case titled as Ashish Jain VS Pivotal Infrastructure Private Limited	
Complainant	Ashish Jain	
Represented through	Shri Sushil Yadav Advocate	
Respondent	Pivotal Infrastructure Private Limited	
Respondent Represented	None	
Last date of hearing	28.03.2024	
Proceeding Recorded by	Naresh Kumari and HR Mehta	
Proceedings The present complaint was filed on 15.05.2023 and the reply by respondent was received on 21.12.2023. On last date of hearing i.e., 28.03.2024, the counsel for complainant was directed to clarify the amount paid to the respondent along with supporting documents and receipts. Succinct facts of the case as per complaint and annexures are as under:		
S. N.	Particulars	Details
1.	Name and location of the project	“Paradise” at Village Ullahawas, Sector-62, Gurugram.
2.	Project area	5.06875 Acres
3.	Nature of Project	Affordable Group Housing
4.	DTCP license no. and validity status	05 of 2016 dated 30.05.2016 Valid upto 30.09.2023
5.	Name of Licensee	M/s Pivotal Infrastructure Private Limited



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HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

CR/2171/2023

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

6.	Rera registered/ not registered and validity status	Registered Vide no. 178 of 2017 dated 01.09.2017 Valid upto 29.05.2021
7.	Unit No.	T2-806, on 8 th Floor in Tower-T2 (page no. 53 of complaint)
8.	Unit area admeasuring	566 sq. ft. (carpet area) (page no. 53 of complaint)
9.	Date of Allotment letter	27.04.2017 (page no. 53 of complaint)
10.	Date of buyer's agreement	30.05.2017 (page no. 22 of complaint)
11.	Date of approval of building plan	25.07.2016 (page no. 19 of reply)
12.	Environmental Clearance date	28.07.2017 (page no. 23 of reply)
13.	Possession Clause	8.1 Expected time for handing over possession. <i>"Except where any delay is caused on account of reasons expressly provided for under this agreement and other situations beyond the reasonable control of the company and subject to the company having obtained the occupation/completion certificate from the competent authority(ies), the company shall endeavor to complete the construction and handover the possession of the said apartment within a period of 4 years from the date of grant of sanction of building plans for the project or the date of receipt of all the environmental clearances necessary for the completion of the construction and development of the project, whichever is later, subject to timely payment by the allottee of all the amounts payable under this agreement and performance by the allottee of all other obligations hereunder"</i> [Emphasis Supplied]

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

भू-संपदा (विनियमन और विकास) अधिनियम, 2016 की धारा 20 के अर्तगत गठित प्राधिकरण

14. Due date of possession	28.01.2022 28.07.2021 plus additional grace of 6 months of Covid-19 as per HARERA Notification. [due date of possession calculated from the date of environmental clearance dated 28.07.2017, being later].
15. Sale consideration	Rs.23,09,500/- (as per allotment letter at page no. 53-54 of complaint and as mentioned in BBA)
16. Amount paid by the complainant	Rs.24,47,791/- (as per the receipts annexed with complaint at page no.57-66 of complaint)
17. Application for grant of Occupation certificate	22.12.2022 (page no.40 of reply)
18. Occupation certificate	Not obtained
19. Offer of possession	Not offered

The counsel for the complainant states that as per documents already filed, an amount of Rs.24,47,791/- has been paid and the receipts are already on the record. Further the possession was required to be handed over by 28.01.2022 even if 6 months grace period is allowed on account of covid-19. The unit is still not completed and no offer of possession after obtaining OC is made till date and hence, the complainant is seeking DPC interest from the due date till handing over of possession along with directions for handing over of possession and to initiate penal action against the promoter inordinate delay in completion of the project.

There is a delay of more than 7 years to handover the possession of the unit and the respondent has not yet offered the possession of the unit to the complainant and no OC has been obtained by the respondent. In view of the above, the delayed possession charges at the rate of 10.95% per annum is allowed from the due date of possession i.e. 28.01.2022 (including six months grace period of Covid-19) till the date of offer of possession plus two months after obtaining occupation certificate from the competent authority or actual



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handing over of possession, whichever is earlier.

Matter stands disposed off. Detailed order will follow.

V.I-3
Vijay Kumar Goyal
Member
04.07.2024