

PROCEEDINGS OF THE DAY
10

Day and Date	Thursday and 04.07.2024
Complaint No.	MA No. 348/2024 in CR/2171/2024 Case titled as Tushar Jain VS Sunrays Heights Private Limited
Complainant	Tushar Jain
Represented through	Shri Prashant Sheoran Advocate
Respondent	Sunrays Heights Private Limited
Respondent Represented	Shri Tushar Behmani Advocate (POA filed today)
Last date of hearing	Application u/s 36 of the Act
Proceeding Recorded by	Naresh Kumari and HR Mehta

Proceedings

The present complaint was filed on 20.05.2024 and application u/s 36 by complainant on 31.05.2024.

Succinct facts of the case are as under

S.No.	Particulars	Details
1.	Name of the project	"Sixty-Three Golf Drive", Sector 63A Gurugram
2.	Nature of the project	Affordable group housing
3.	RERA registered or not registered	249 of 2017 dated 26.09.2017 valid up to 25.09.2022
4.	DTCP license	82 of 2014 dated 08.08.2014 valid up to 31.12.2023
5.	Unit no.	B23 (as per demand letter page 20 of complaint)
6.	Unit admeasuring	604.83 sq. ft. (carpet area) (page 20 of complaint)
7.	Buyers agreement	Not executed

New PWD Rest House, Civil Lines, Gurugram, Haryana

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8.	Possession clause	<i>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 licence shall not be renewed beyond the said 4 years from the date of commencement of project.</i>
9.	Date of building plan	10.03.2015 (taken from another file CR/2814/2021 decided on 30.11.2023 of same project)
10.	Date of environment clearance	16.09.2016 (taken from another file CR/5238/2022 of same project)
11.	Due date of possession	16.03.2021 (16.09.2020 plus six months in lieu of covid-19) (calculated from the date of environment clearance)
12.	Total sale consideration	Rs.24,66,870/- (as alleged by complainant)
13.	Amount paid by the complainant	Rs.23,32,205/- (as alleged by complainant) No relevant document of proof.
14.	Occupation certificate	Not obtained
15.	Offer of possession	Not offered

The complainant filed an application u/s 36 seeking relief to restrain the respondent from cancelling the unit as he has already paid more than 85% of the total sale consideration. Further, the complainant states that he is ready to pay Rs.3,33,027/- by way of an undated cheque.

The counsel for the respondent states that unit is not yet cancelled and a reconcile account statement will be shared with the complainant within a week and the complaint is ready to make the payment of outstanding amount provided no amount shall be charged which is not the part of affordable housing policy. Further, since about 90% of the basic price has already been



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MA 348/2024

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paid and hence, the authority hereby issue interim directions for non-cancellation and non-creation of 3rd party rights till next date of hearing.

Matter be put up on the date already fixed i.e. 05.09.2024 for further proceedings.

V.I. - 3
Vijay Kumar Goyal
Member
04.07.2024