

PROCEEDINGS OF THE DAY		51
Day and Date	Thursday and 28.03.2024	
Complaint No.	CR/2187/2023 Case titled as Krishna Parshad Madvesh and Shalini Khanduja Madvesh VS Raheja Developers Limited	
Complainant	Krishna Parshad Madvesh and Shalini Khanduja Madvesh	
Represented through	Shri Nilotpal Shyam Advocate	
Respondent	Raheja Developers Limited	
Respondent Represented through	None	
Last date of hearing	04.01.2024	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings

On last date of hearing, the defence of the respondent was struck off.

The present complaint was received on 26.05.2023 and registered as complaint no. 2187 of 2023 and reply on behalf of respondent is not received.

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

S.No.	Particulars	Details
1.	Name and location of the project	"Raheja Shilas", Sector-109, Gurugram
2.	Nature of the project	Low rise floors
3.	Project area	14.812acres
4.	DTCP License and validity	257 of 2007 dated 07.11.2007 valid up to 06.11.2024
5.	Name of the licensee	Brisk Construction Pvt. Ltd. and 3 others
6.	RERA Registration	90 of 2017 dated 28.08.2017 valid up to 31.12.2020
7.	Unit no. and floor no.	IF9-03, Independent Floor and Tower-9 (As per page no. 37 of the complaint)

8.	Unit area admeasuring	2102 sq. ft. (Super area) (As per page no. 37 of the complaint)
9.	Allotment letter	30.06.2011 (As per page no. 33 of the complaint)
10.	Date of execution of agreement to sell	30.06.2011 (As per page no. 35 of the complaint)
11.	Possession clause	4.2 Possession Time and Compensation <i>That the seller shall sincerely endeavor to give possession of the plot to the purchaser within twenty-four (24) months from the date of the execution this Agreement and after providing of necessary infrastructure specially road sewer & water in the sector by the Government, but subject to force majeure conditions or nay Government/Regulatory authority's action, inaction or omission and reasons beyond the control of the seller. However, the seller shall be entitled for compensation free grace period of six (6) months in case the development is not within the time period mentioned above. In the event of his failure to take over possession of the plot provisionally and/ or finally allotted within 30 days from the date of intimation in writing by the seller, then the same shall lie at his/her risk and cost and the purchaser shall be liable to pay @ Rs.7/- per sq. ft. of the plot area per month as holding charges for the entire period of such delay...."</i> (As per page no. 42 of the complaint)



HARERA
GURUGRAM

HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

CR/2181/2023

New PWD Rest House, Civil Lines, Gurugram, Haryana

नया पी.टक्कणु, सी. विधान भूह. विविध लाईन, गुरुग्राम, हरियाणा

12.	Grace Period	Allowed As per clause 4.2 of the agreement to sell, the possession of the allotted unit was supposed to be offered within a stipulated timeframe of 24 months plus 6 months of grace period. It is a matter of fact that the respondent has not completed the project in which the allotted unit is situated and has not obtained the part completion certificate by December 2013. As per agreement to sell, the construction and development work of the project is to be completed by December 2013 which is not completed till date. Accordingly, in the present case the grace period of 6 months is allowed.
13.	Due date of possession	30.12.2013 (Note: 24 months from the date of execution of agreement to sell i.e., 30.06.2011 + 6 months grace period)
14.	Total sale consideration	Rs.1,06,24,129/- As per applicant ledger on page no. 62 of the complaint)
15.	Amount paid by the complainant	Rs.94,63,948/- (As per customer ledger on page no. 62 of the complaint)
16.	Occupation Certificate/ completion certificate	Not obtained
17.	Offer of possession	Not offered

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DPC is allowed from the due date of possession i.e. 30.12.2013 (24 months from date of BBA + 6 months grace period) till valid offer of possession after obtaining OC from the competent authority + 2 months.

and possession to be handed over after obtaining OC from the competent authority.

Detailed order will follow. Matter stands disposed off.


Vijay Kumar Goyal
Member
28.03.2024