



HARERA
GURUGRAM

HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

New PWD Rest House, Civil Lines, Gurugram, Haryana नया पी. डब्ल्यू. डी. विश्राम गृह, सिविल लाईंस, गुरुग्राम, हरियाणा

PROCEEDINGS OF THE DAY		27
Day and Date	Thursday and 25.04.2024	
Complaint No.	CR/2488/2023 Case titled as Deepinder Gautam and Vandana Sharma VS Emaar Mgf Land Limited	
Complainant	Deepinder Gautam and Vandana Sharma	
Represented through	Shri Jagdeep Kumar Advocate	
Respondent	Emaar Mgf Land Limited	
Respondent Represented	Shri Dhruv Rohatgi Advocate	
Last date of hearing	18.01.2024	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings

The present complaint has been received on 05.06.2023 and the reply was received on 27.10.2023.

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

Sr. No.	Particulars	Details
1.	Name of the project	Gurgaon Greens, Sector 102, Gurugram, Haryana
2.	Unit no.	GGN-01-0602, 6 th floor, building no. 01. [pg. 28 of complaint]
3.	Unit admeasuring	1650 sq. ft. [pg. 28 of complaint]
4.	Provisional allotment letter dated in favour of original allottee i.e., Mr. Syed Husain Tahir	28.01.2013 [pg. 43 of reply]
5.	Date of execution of buyer's agreement in favour of original allottee i.e., Mr. Syed Husain	12.06.2013 [page25 of complaint]



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CR/2424/2023

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

Tahr	
6.	Date of nomination letter 03.04.2014 [Page no. 76 of complaint]
7.	Possession clause 14. POSSESSION (a) Time of handing over the possession <i>Subject to terms of this clause and barring force majeure conditions, and subject to the Allottee(s) having complied with all the terms and conditions of this Agreement, and not being in default under any of the provisions of this Agreement and compliance with all provisions, formalities, documentation etc. as prescribed by the Company, the Company proposes to hand over the possession of the Unit within 36 (Thirty Six) months from the date of start of construction; subject to timely compliance of the provisions of the Agreement by the Allottee. The Allottee agrees and understands that the Company shall be entitled to a grace period of 5 (five) for applying and obtaining the completion certificate/occupation certificate in respect of the Unit and/or the Project.</i> (Emphasis supplied) [page no. 41 of complaint]
8.	Date of start of construction 28.06.2013 [page 150 of reply]
9.	Due date of possession 28.11.2016 [Note: - Grace period is allowed]
10.	Total consideration as per statement of account dated 06.06.2023 at page 150 of reply Rs.1,00,99,993 /-
11.	Total amount paid by the complainants as per statement of account Rs.1,00,99,991/-



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CR/2488/2023

New PWD Rest House, Civil Lines, Gurugram, Haryana

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	dated 06.06.2023 at page 150 of reply	
12.	Occupation certificate	16.07.2019 [page 153 of reply]
13.	Offer of possession	19.07.2019 [page 160 of reply]
14.	Unit handover letter	30.11.2019 [page 172 of reply]
15.	Date of execution of conveyance deed	26.12.2019 [page 176 of reply]

The complainant is seeking delayed possession charges from the due date of possession i.e. 28.11.2016 till 19.7.2019 the date of offer of possession. In this case the conveyance deed has also been executed on 26.12.2019.

The counsel for the respondent states that the present complaint is time barred as the conveyance deed has already been executed on 26.12.2019 and the complainant has filed the present complaint on 5.6.2023 after 4 years hence the same is not maintainable.

Part arguments heard.

Both the counsels for the parties may file written submissions within a period of 3 weeks with an advance copy to each other.

Matter to come up on 08.08.2024 for final arguments/orders.

V.1 - 3
Vijay Kumar Goyal
Member
25.04.2024