

PROCEEDINGS OF THE DAY
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Day and Date	Wednesday and 07.08.2024
Complaint No.	CR/2638/2023 Case titled as Rajiv Kulshrestha and Priyanka Kulshrestha VS Bptp Limited & Country Wide Promoters Pvt Ltd.
Complainant	Rajiv Kulshrestha and Priyanka Kulshrestha
Represented through	Shri Sukhbir Yadav Advocate
Respondent	BPTP Limited & Country Wide Promoters Pvt Ltd.
Respondent Represented	Shri Harshit Batra Advocate
Last date of hearing	10.04.2024
Proceeding Recorded by	Naresh Kumari and HR Mehta

Proceedings

The present complaint has been filed on **13.06.2023** and registered as complaint no. **2638** of **2023**. Reply on behalf of the respondent has been received on **10.04.2024**.

Succinct facts as per the complaint and the reply are as follows:

Sr. No.	Particulars	Details
1.	Name of the project	"Park-Serene-Spacio", Sector-37-D, Gurugram.
2.	Nature of the project	Group Housing Colony
3.	Project Area	23.814 acres
4.	DTCP license no.	License No.-83 of 2008



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HARYANA REAL ESTATE REGULATORY AUTHORITY
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हरियाणा भू-संपदा विनियमक प्राधिकरण, गुरुग्राम

CR/2638/2023

New PWD Rest House, Civil Lines, Gurugram, Haryana

नया पी. डब्ल्यू. डी. विभाग गृह, सिविल लाईन, गुरुग्राम, हरियाणा

5.	HRERA Registered	Registered Registration no. 300 of 2017 Dated-13.10.2017. Validity upto 12.10.2020
6.	Date of booking	07.09.2010
7.	Unit no.	Flat no. Q-306, Tower-Q (As on page no. 31 of complaint)
8.	Unit area	1000sq.ft. [Super-Area] (As on page no. 31 of complaint)
9.	Allotment letter	12.11.2010 (As on page no. 31 of complaint)
10.	Date of execution of Flat Buyer's Agreement	05.04.2011 (As on page no. 35 of complaint)
11.	Possession clause	Clause 3. Possession 3.1 The Seller/Confirming Party, whether under this Agreement or otherwise, from time to time, the Seller//Confirming party proposes to handover possession of the Flat to the Purchaser(s) within a period of 36 months from the date of booking/registration of the flat. The Purchaser(s) agrees and understands that the Seller/Confirming Party shall be entitled to a grace period of 180(One Hundred and Eighty) days, after the expiry of 36 months, for applying and obtaining the occupation certificate in respect of the Colony from the Authority.
12.	Due date of possession	07.01.2014 [Calculated 36 months from the date of booking i.e., 07.09.2010 + 180 days grace period]



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New PWD Rest House, Civil Lines, Gurugram, Haryana

नया पी. डब्ल्यू. सी. विधाम गृह, सिविल लाईन्स, गुरुग्राम, हरियाणा

13.	Total sales consideration	Rs.48,59,353/- (As per S.O.A at page no. 83 of complaint)
14.	Total amount paid by the complainant	Rs.35,29,895/-
15.	Cancellation letter	11.11.2022
16.	Occupation certificate	15.01.2021
17.	Offer of possession	29.01.2021 (As on page no. 81 of complaint)

The complainants have sought following relief(s):-

1. To set aside the termination letter dated 11.11.2022.
2. To handover possession along with D.P.C.
3. Issue fresh offer of possession.
4. Not charges GST, administrative charges, additional FFC.

The counsel for the complainant is seeking the above reliefs on grounds that the offer of possession dated 29.01.2021 was accompanied by unreasonable demands and an increase in the area. He states that the issue regarding the other reliefs, apart from setting aside of cancellation, may be dealt in terms of report of the Committee constituted under the Chairmanship of Shri Manik Sonawane, IAS retired. He further states that the respondent failed to adjust the delayed possession interest in the demand conveyed to the complainant.

The counsel for the respondent states that the cancellation was preceded by multiple reminders and on account of non payment of dues, the unit was cancelled on 11.11.2022 in terms of clause 11.1 of the BBA and states that the cancellation is valid. Notwithstanding the above, he further states that in case otherwise, the committee report as mentioned above may be followed for grant of the reliefs. So far as the adjustment of delayed possession interest is concerned, the counsel for the respondent states that the same was adjusted as loyalty bonus annexed with the statement of account sent with the offer of possession.



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CA 3638/2023

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

Arguments heard.

Order reserved.

Matter to come up on 11.09.2024 for pronouncement of order.

Ashok Sangwan
Member
07.08.2024