



**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

<b>PROCEEDINGS OF THE DAY</b>		<b>50</b>
Day and Date	Thursday and 16.05.2024	
Complaint No.	CR/2725/2023 Case titled as Archna Dhingra VS Clarion Properties Limited	
Complainant	Archna Dhingra	
Represented through	Shri Varun Chugh Advocate	
Respondent	Clarion Properties Limited	
Respondent Represented	Shri Arul Parkash, Advocate	
Last date of hearing	18.04.2024	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

### **Proceedings**

The present complaint has been received on 15.06.2023 and the reply was received on 23.11.2023.

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

<b>S. N.</b>	<b>Particulars</b>	<b>Details</b>
1.	Name and location of the project	"The Hive" at sector 102, Gurgaon, Haryana
2.	Nature of the project	Commercial
3.	Project area	5.846875 acres
4.	DTCP License no. & validity status	93 of 2012 dated 05.09.2012 valid upto 04.09.2025 30 of 2014 dated 12.06.2014 valid up to 11.06.2024 31 of 2014 dated 12.06.2014 valid up to 11.06.2024
5.	Name of Licensee	M/s Radhika Polymers & Others



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6.	RERA registered or not	Registered Vide no. 316 of 2017 dated 17.10.2017 up to 16.11.2024
7.	Unit No.	G-64, on ground floor
8.	Unit area admeasuring	356 sq. ft.
9.	Date of builder buyer agreement	28.10.2016
10.	Possession Clause	<i>7. Construction &amp; Possession 7.1 That the Company Shall under normal circumstances, complete the construction of the Said Space within a period of 42 months of the start of construction of building in which the said space is booked or execution of agreement whichever is later, with additional grace period of 6 months and subject to force majeure conditions, in accordance with the plans and specifications seen and accepted by the Allottee (s), subject to any such additions, deletions, alterations, modifications, in the layout plans, change in number, dimensions, height, size, area or change of entire scheme, which the Company may consider or may be required by any competent authority to be made in them or any of them.</i>
11.	Due date of possession	28.10.2020 (Due date is calculated from the date of execution of agreement including grace period of 6 months)
12.	Total sale consideration	Rs.64,48,142/- (As per customer ledger dated 30.05.2023 at page no. 12 of complaint)
13.	Amount paid by the	Rs.60,22,671/-



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	complainant	(As per customer ledger dated 30.05.2023 at page no. 12 of complaint)
14.	Occupation certificate	06.02.2023
15.	Offer of possession	13.02.2023 (Page no. 71 of complaint)

The complainants have filed the present complaint to direct the respondent to handover the physical possession of the unit in a time bound manner and to pay delayed possession interest to the complainant, as per provisions of the Act, 2016 and the Rules, 2017.

The counsel for the complainant states that after much delay from the due date, the possession has been offered only on 13.2.2023 but actual possession has not yet been handed over and requests for grant of delayed possession charged till actual handing over of possession.

The counsel for the respondent states that there was delay due to reasons beyond the control and the OC was applied way back in August, 2022 and OC was granted only on 6.2.2023. The possession stand offered and the respondent is willing to handover the possession on payment of outstanding amount and the delay possession compensation as per agreement has been credited in the account statement.

Arguments heard.

The Delay possession interest at the prescribed rate @ 10.85% p.a. is allowed from the due date of possession i.e. 28.10.2020 after including six months of Covid period till offer of possession made on 13.2.2023 plus two months. The respondent to issue revised statement after adjusting DPC at prescribed rate i.e. 10.85% till 13.4.2023 within 30 days and if any amount remains to be paid, the same shall be paid in the next 30 days and the possession shall be handed over and no demand shall be made, which are *not part of BBA.*

Matter stands disposed off. Detailed orders will follow.

V.1-3  
Vijay Kumar Goyal  
Member  
16.05.2024