



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		40
Day and Date	Thursday and 12.12.2024	
Complaint No.	CR/335/2024 Case titled as Paresh Chandra Das and Shipra Das VS Ramaprastha Promoters & Developers Private Limited	
Complainant	Paresh Chandra Das and Shipra Das	
Represented through	Shri Nitin Tuteja Advocate	
Respondent	Ramaprastha Promoters & Developers Private Limited	
Respondent Represented through	Shri Vishal proxy counsel	
Last date of hearing	26.09.2024	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings

The present complaint was filed on 02.02.2024 and reply was received on 02.07.2024.

Succinct of the facts are as under:

S. No.	Particulars	Details
1.	Name of the project	"Primera", Sector 37D, Village Gadauli Kalan, Gurugram, Haryana
2.	Project area	13.156 acres
3.	Nature of the project	Group housing colony
4.	DTCP license no. and validity status	12 of 2009 dated 21.05.2009 Valid up to 20.05.2024
5.	Name of licensee	Ramprastha Realtor Pvt. Ltd.
6.	RERA Registered/ not registered	Registered vide no. no. 21 of 2018 dated 23.10.2018 for an area of 3.257 acres Valid up to 31.03.2020



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CR/335/2024

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7.	Date of approval of building plans	25.04.2013 (As per information obtained by planning branch)
8.	Unit no.	203, 2 nd floor (Page no. 30 of complaint)
9.	Unit admeasuring	1720 sq. ft. (Page no. 30 of complaint)
12.	Date of execution of apartment buyer's agreement	04.10.2013 (Page no. 25 of the complaint)
13.	Possession clause	15. POSSESSION (a) Time of handing over the Possession <i>Subject to terms of this Clause and subject to the Allottee having complied with all the terms and condition of this Agreement and the Application, 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 DEVELOPER, the DEVELOPER shall endeavor to complete the construction of the Said Apartment within a period of 54 months from the date of approval of Building Plans by the office of DGTCP. The Allottee agrees and understands that the DEVELOPER shall be entitled to a grace period of hundred and twenty days (120) days, for applying and obtaining the occupation certificate in respect of the Group Housing Complex.</i> (Emphasis supplied) (Page no. 66 of the complaint)
14.	Due date of possession	23.02.2018 (calculated by the 54 months from approval of building plans i.e., 25.04.2013 including grace period)
15.	Total sale consideration	Rs.1,08,22,863/- (As per buyer's agreement on page no. 30 of complaint)
16.	Amount paid by the complainant	Rs.92,24,687/- (page 62 of complaint)
17.	Occupation certificate /Completion certificate	05.04.2023 (as per DTCP site)
18.	Offer of possession	31.12.2023

An Authority constituted under section 20 the Real Estate (Regulation and Development) Act, 2016

भू-संपदा (विनियमन और विकास) अधिनियम, 2016 की धारा 20 के अर्तगत गठित प्राधिकरण



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CA/335/2024

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(email dated 31.12.2023 page 63 of complaint)

The complainants have sought following relief(s):

1. Direct the respondent to pay delay possession charges.
2. Direct the respondent not to ask for any other charges which was not the part of BBA.
3. Direct the respondent that above charges be adjusted in final due payment.

The counsel for the complainant requests for allowing DPC as physical possession has not been handed over despite repeated follow up and seeks relief for handing over of possession along with execution of CD.

Arguments heard.

Order reserved.

Both the parties may file brief written submissions within 3 weeks after supplying a copy of the same to each other.

Matter to come up on **06.02.2025** for pronouncement of order.

V.I. 
Vijay Kumar Goyal
Member
12.12.2024