



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

9

Day and Date	Friday and 18.11.2022
Complaint No.	CR/3351/2021 Case titled as JOGINDER Vs BLACKBERRY REALCON PVT. LTD.
Complainant	JOGINDER
Represented through	Shri Vishesh Garg Advocate
Respondent	BLACKBERRY REALCON PVT. LTD.
Respondent Represented	Shri Akshay Sharma Advocate
Last date of hearing	22.09.2022
Proceeding Recorded by	Naresh Kumari and HR Mehta

Proceedings

The present complaint has been received on 23.08.2021 and the reply was received on 12.10.2021

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

Sr. No.	Particulars	Details
	Name of the project	" PARAS SQUARE " , Sector 63 -A , Gurugram, Haryana.
	Project type	Commercial – RETAIL .
1	Unit no.	unit no. 60 , 1 ST floor (page no. 24 of complaint , BBA .)
2	Unit admeasuring	420 sq. ft. (page no. 31 of complaint , BBA .)
3	Buyers agreement	12.12.2013

An Authority constituted under section 20 the Real Estate (Regulation and Development) Act, 2016
Act No. 16 of 2016 Passed by the Parliament

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

भारत की संसद द्वारा पारित 2016 का अधिनियम संख्यांक 16



HARERA
GURUGRAM

HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम | 2021

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

		(page 21 of the complaint.)
4	Possession clause	7. Date of completion (i) The date of completion of the Project shall be Thirty Six (36) months from the start of construction hereof, subject to force majeure or/and any other reason beyond the control of Developer, subject to all Allottee(s) having strictly complied with all the terms and conditions of this Buyer's Agreement and not being in default under any provisions of the same and all amounts due and payable by the Allottee(s) under this Buyer's Agreement having been paid in time to the Developer, The Developer immediately upon the receipt of OC/CC, shall give notice to the Allottee(s), in writing, to take possession of the Unit for his/its fit buts and occupation and use ("Notice of Possession"), on furnishing certain documents by the Allottee(s). (BBA , page 30 of the complaint).
5	Due date of delivery of possession	13.02.2017 (the due date is calculated from the date 13.02.2014 which is the date on the start of excavation, as per stated from statement of accounts of the project , it has been taken from the other file

An Authority constituted under section 20 the Real Estate (Regulation and Development) Act, 2016
Act No. 16 of 2016 Passed by the Parliament

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

भारत की संसद द्वारा पारित 2016 का अधिनियम संख्यांक 16



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

		where in the statements of account the date of excavation is given as here in this files statement of accounts does not contain the date of excavation.)
6	Allotment Letter	30.08.2013 (page no. 17 of complaint)
7	Total sale consideration	Rs. 47,63,340/- (as per information in statements account and allotment letter)
8	Total amount paid by the complainant	Rs. 43,55,820/- (as per provisional receipt dated 30.08.2013, page 16 of complaint)
9	Reminder letters	demand letter – 22.02.2014 clearance of outstanding dues – 19.02.2020 , 07.03.2020 , 19.10.2020 , 30.11.2020 , 11.02.2021 (from pages 142 to 147)
10	Pre cancellation	10.08.2021 (page 147)
12.	Occupation certificate	23.07.2018 (annexure R-5 , page 44 of reply.)
13.	DTCP License	23 of 2013 letter dated 17.05.2013
14.	RERA License	13 of 2018 dated 06.09.2018

An Authority constituted under section 20 the Real Estate (Regulation and Development) Act, 2016
Act No. 16 of 2016 Passed by the Parliament

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

भारत की संसद द्वारा पारित 2016 का अधिनियम संख्यांक 16



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

15.	Offer of possession	28.07.2018 (annexure R-3 , page 32 of reply)
-----	---------------------	---

The counsel for the respondent admits that there has been a delay in handing over possession of the plot. The due date as per BBA was 13.02.2017 (36 months from the date of start of construction which is 13.02.2014 as per own admission of the respondent in complaint No.1614/2021 at page 71 of reply). In this matter offer of possession has already been made and the complainant is free to take possession w.e.f. 28.07.2018.

The counsel for the complainant states that unreasonable demands have been raised by the respondent with the offer of possession and full payment had already been made at the time of booking. An amount of Rs.43,55,825/- has been paid by cheque and Rs.5,63,000/- has been paid in cash. However, no receipt regarding the cash component was provided.

When asked, counsel for the complainant requests for a short adjournment to seek instructions from his client as to whether he wishes for delay possession charges or to withdraw from the project and seek a refund after deduction of 10% of the basic sale consideration.

Meanwhile, the respondents are directed to provide a detailed account statement showing the amount paid and amount due without charging any amount which are not part of the BBA and no holding charges shall be levied. The account statement would also reflect the DPC liability to be adjusted by the respondent.

Matter to come up on 16.03.2023 for further proceedings.


Sanjeev Kumar Arora
Member


Ashok Sangwan
Member


Vijay Kumar Goyal
Member
18.11.2022