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HARYANA REAL ESTATE REGULATORY AUTHORITY
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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		35
Day and Date	Thursday and 02.11.2023	
Complaint No.	CR/346/2023 Case titled as Nikil Walia VS Signature Global India Private Limited	
Complainant	Nikil Walia	
Represented through	Shri S.S.Hooda, Advocate	
Respondent	Signature Global India Private Limited	
Respondent Represented through	Shri Neeraj Kumar, Advocate and Shri Mintu Kumar, AR	
Last date of hearing	25.7.2023	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings

The present complaint has been filed on 02.02.2023 and reply was received on 15.02.2023.

Succinct facts of the case are as under:

S.no.	Particulars	Details
1.	Name of the project	The Milleannia, 37-D, Gurugram, Haryana
2.	DTCP License No	04 of.2017 dated 02.02.2017 Valid upto 01.02.2022
3.	Unit no.	11-001, tower 11 (Page no. 20 of complaint)
	Unit admeasuring	Carpet area -519.229 sq.ft. Balcony area - 79.653 sq.ft. (Page 20 of complaint)



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4.	Date of execution of agreement for sale	06.02.2018 (page 19 of complaint)
5.	Date of building plan	08.06.2017 (taken from another file of same project)
6.	Date of environment clearance	21.08.2017 (taken from another file of same project)
7.	Possession clause	5. Possession of the Plot <i>5.1"4 Years from the date of approval of building plans or grant of environment clearance whichever is later"</i>
8.	Due date of delivery of possession	21.02.2022 plus six months of Covid moratorium (Calculated from the date of environment clearance)
9.	Total sale consideration	Rs.21,16,743/- (as per BBA on Page 26 of complaint)
10.	total amount paid by the complainant	Rs.20,21,717/- [as per customer ledger on page 56 of complaint]
11.	Occupation certificate	25.01.2023 (as per DTCP site)
12.	Offer of Possession	01.02.2023 [page 161 of reply]

On last date of hearing i.e.25.07.2023 complaint stated that he wishes to amend the relief being sought from DPC to full refund and respondent in reply stated that physical possession of the unit has been handed over and conveyance deed has been executed. But no conveyance deed and amended relief is placed on record.

The counsel for the respondent states that after handing over of the possession on 27.9.2023, the conveyance deed has also been executed. Further while



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handing over of possession, the complainant has confirmed in the possession letter that no claim whatsoever against the company in respect of the allotted unit. Further there was a delay in construction due to a various force majeure conditions including the Covid restrictions as well as ban on construction imposed by the Hon'ble Supreme court as well as NGT from time to time as per details given in the reply and hence request for exclusion of the period of such period from the due date of handing over of possession.

The counsel for the complainant states that there was a delay of about 2 years and the authority has already passed orders in CR No.5675 of 2022 under which a six months grace period on account of Covid- 2019 only has been allowed and no further grace period beyond above six months may be allowed in the instant case and request for allowing delayed possession charges from the due date till handing over the possession. However, the counsel for the respondent states that the above order is not relevant in the above case as various orders restricting the construction have not been deliberated in the above order.

Arguments heard.

Order reserved.

Both the counsels may file written submissions within a week after supplying a copy to each other.

Matter to come up on 21.12.2023 for pronouncement of orders.

V.1 - 3
Vijay Kumar Goyal
Member
02.11.2023