



HARERA
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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		38
Day and Date	Friday and 07.07.2023	
Complaint No.	CR/3780/2021 Case titled as Rahul Verma and Rita Verma Vs Shree Vardhman Infra Home Private Limited	
Complainant	Rahul Verma and Rita Verma	
Represented through	Shri Sukhbir Yadav Advocate	
Respondent	Shree Vardhman Infra Home Private Limited	
Respondent Represented	Shri Gaurav Rawat Advocate	
Last date of hearing	07.04.2023	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings

The counsel for the complainant states that offer of possession was given to them on 01.04.2021 without obtaining occupation certificate whereas the OC has been received by the respondent on 02.02.2022. Hence, the offer of possession given to the complainant was not valid one. Further stated that area of the unit has been increased 52 sq. ft. which is although less than 10% but is without any justification. He further stated that even in reply to the complaint, they have not provided the justification in increase of the area.

As per directions of the authority dated 22.11.2022, the respondent was directed to show cause as to why penalty of Rs. One Lakh may not be imposed upon the respondent under section 63 of the Act, 2016.

The counsel for the respondent states that possession has been handed over on 04.04.2023 and the entire maintenance charges upto April 2023 have been waived off.

The counsel for the complainant stated that the possession has been handed over but neither additional demand for increase in area has been quashed by the respondent nor any justification for the same has been provided. Further the complainant is seeking DPC from due date till actual handing over of



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CR/3180/2021

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

possession and further stated that respondent is demanding labour cess which is to be paid by the respondent and not by the complainant. Further stated that since the due date of possession was prior to the date of implementation of GST Act, hence, GST is not applicable on the complainant and demand for the same should also be quashed.

The counsel for the respondent states that all the demands raised alongwith offer of possession are as per the terms of BBA mentioned at page No.22 of the reply.

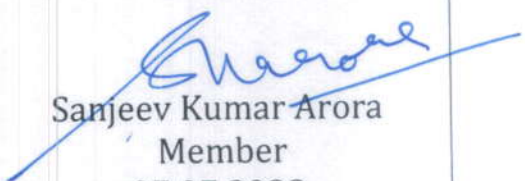
The counsel for the complainant brought attention of the authority on the proceedings of the authority dated 22.11.2022 which states that the respondent has to take permission from the funding agency under the Swamih Fund before the possession is given to the complainant then how come the offer of possession dated 20.04.2022 can be treated as a valid offer.

The counsel for the respondent states that after approval of Swamih Fund, the offer of possession is to be made to the allottees and as regards the justification for increase in area, the same is less than 10% and is covered under the BBA terms.

Arguments heard.

Delayed possession charges are allowed at the prescribed rate of interest i.e. 10.70% per annum from the due date of possession till actual handing over of possession after obtaining OC plus two months. As regards other reliefs, the same shall be dealt with in the detailed order.

Detailed order will follow. matter stands disposed off. File be consigned to the registry.


Sanjeev Kumar Arora

Member

07.07.2023