

PROCEEDINGS OF THE DAY		22.
Day and Date	Friday and 04.08.2023(5 th hearing)	
Complaint No.	CR/382/2022 Case titled as Premo Devi and Pooja Vs Shree Vardhman Infraheight Private Limited	
Complainant	Premo Devi and Pooja	
Represented through	Shri A.N.Chauhan, Advocate	
Respondent	Shree Vardhman Infraheight Private Limited	
Respondent Represented through	Shri Gaurav Rawat, Advocate	
Last date of hearing	15.02.2023	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings

The present complaint has been received on 28.01.2022 and the reply was received on 18.10.2022.

On the last date of hearing, the proxy counsel for the complainant requested for a short adjournment to argue the matter as the main counsel was not available that day.

Request was allowed. Both the counsels were advised to file written submissions within 15 days with an advance copy to each other.

The counsel for the complainant states that the written submissions were to be submitted within 15 days as per last proceedings of the authority, which he did by mail. However, the hard copy is being submitted today.

Counsel for the respondent agreed to having received the written submissions by the complainant.



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HARYANA REAL ESTATE REGULATORY AUTHORITY
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हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

CA/382/2022

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

Succinct facts of the case are as under: -

S. No.	Heads	Information
1.	Name and location of the project	"Shree Vardhman Victoria", village Badshapur, Sector-70, Gurugram
2.	Project area	10.9687 acres
3.	Nature of the project	Group housing colony
4.	DTCP license no. and validity status	103 of 2010 dated 30.11.2010 valid upto 29.11.2020
5.	Name of the Licensee	Santur Infrastructures Pvt. Ltd.
6.	RERA registered/ not registered and validity status	Registered Registered vide no. 70 of 2017 dated 18.08.2017 Valid upto 31.12.2020
7.	Unit no.	501, Tower - A (Annexure- A on page no. 18 of the reply)
8.	Unit admeasuring	1950 sq. ft. (Annexure- A on page no. 18 of the reply)
9.	Date of flat buyer's agreement	24.09.2014 (Annexure- A on page no. 15 of the reply)
11.	Payment plan	Construction linked payment plan (Annexure- A on page no. 34 of the reply)
12.	Total consideration	Rs. 1,03,15,500/- (Annexure- A on page no. 19 of the reply) Rs. 1,16,65,500/-

		(Annexure- B on page no. 49 of the reply)
13.	Total amount paid by the complainants	Rs. 1,16,04,745/- (Annexure- B on page no. 49 of the reply)
14.	Date of commencement of construction	17.05.2014 (As stated by respondent on page 6 of reply)
15.	Possession clause	14(a) The construction of the flat is likely to be completed within a period of 40 months of commencement of construction of the particular tower/ block in which the subject flat is located with a grace period of 6 months, on receipt of sanction of the building plans/ revised plans and all other approvals subject to force majeure including any restrains/ restrictions from any authorities, non-availability of building materials or dispute with construction agency/ workforce and circumstances beyond the control of company and subject to timely payments by the buyer(s) in the said complex. (Emphasis supplied)
16.	Due date of delivery of possession	17.03.2018 (Calculated from the date of commencement of construction)
17.	Occupation certificate	Received on 13.07.2022 (As per DTCP website)
18.	Offer of possession	1.8.2022 as per counsel for the complainant.



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19.	Grace period utilization	Grace period is allowed in the present complaint.
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The complainants have sought following reliefs:

1. Direct the respondent to complete the flat in all aspects and handover the physical possession.
 2. Direct the respondent to pay delay in interest for delay in completion of the project at prescribed rate for every month of delay from the due date of possession of flat till actual handing over of possession.
 3. Direct the respondent to adjust the interest accrued so far in final payments towards the cost of flat.
- Arguments heard.

The counsel for the complainant further stated that no doubt the unit was offered on 19.8.2022 but the complainant has not taken the possession as the unit was not in a habitable condition and even today the unit is not in a habitable condition.

Counsel for the respondent states that unit is in a habitable condition however there might be some touching / paints etc. pending which is normally got done at the time of handing over of the possession and OC was received on 13.7.2022 and offer was made on 1.8.2022.

Counsel for the complainant states the respondent had demanded a sum of Rs. 6,31,819/- alongwith offer of possession which was beyond the BBA terms. Further stated that the complainant has already paid more than the total sale consideration hence the demand was uncalled for/unwanted.

Considering the above-mentioned facts the authority calculated due date of possession i.e., 40 months from the date of commencement of construction i.e., 07.03.2018.

Accordingly, the complainants are entitled for delayed possession charges as per the proviso of section 18(1) of the Real Estate (Regulation and Development) Act, 2016 at the prescribed rate of interest i.e., 10.75% p.a. for every month of delay on the amount paid by the complainants to the respondent from the due date of possession i.e., 07.03.2018 till offer of possession plus two months after obtaining occupation certificate and to handover the possession of unit within 60 days after getting it inspected from the allottee and after clearance of the dues, if any, by the allottee.



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4. Litigation cost.

The complainants are claiming compensation in the present relief. For claiming compensation under sections 12, 14, 18 and section 19 of the Act, the complainants may file a separate complaint before adjudicating officer under section 31 read with section 71 of the Act and rule 29 of the rules.


Sanjeev Kumar Arora

Member

04.08.2023