

PROCEEDINGS OF THE DAY		39
Day and Date	Wednesday and 16.10.2024	
Complaint No.	CR/388/2024 Case titled as Manish Chauhan and Ekta Mittal VS Ocean Seven Buildtech Private Limited	
Complainant	Manish Chauhan and Ekta Mittal	
Represented through	Shri Bhajan Lal Jangra Advocate	
Respondent	Ocean Seven Buildtech Private Limited	
Respondent Represented	Shri Arun Yadav Advocate	
Last date of hearing	10.07.2024	
Proceeding Recorded by	Naresh Kumari and HR Mehta	
Proceedings		
The present complaint was filed on 19.02.2024 and reply on behalf of respondent was received on 10.07.2024.		
Succinct facts of the case are as under:		
S. N.	Particulars	Details
1.	Name of the project	"Expressway Towers", Sector 109, Gurugram
2.	Nature of the project	Affordable Housing
3.	DTCP license no. and validity status	6 of 2016 dated 16.06.2016
4.	RERA Registered/ not registered	301 of 2017 dated 13.10.2017 valid upto 12.10.2021
5.	Allotment Letter	20.09.2018 (page 29 of complaint)
6.	Unit no.	2308, Tower 3, 23 rd Floor (Page 37 of complaint)
7.	Unit area admeasuring	644 sq. ft. (carpet area), 100 sq.ft balcony area (Page 37 of complaint)

8.	Date of execution of Apartment Buyer's Agreement	08.10.2018
9.	Possession clause in Affordable Housing Policy	1 (iv) All such projects shall be required to be necessarily completed within 4 years from the date of approval of building plans or grant of environmental clearance , whichever is later. This date shall be referred to as the "date of commencement of project" for the purpose of the policy.
10.	Date of environmental clearance	30.11.2017 (as per information obtained from the planning branch)
11.	Date of approval of building plans	26.09.2016 (as per information obtained from the planning branch)
12.	Due date of possession	30.05.2022 (Calculated as 4 years from date of grant of environmental clearance i.e., 30.11.2017 as per policy of 2013 + 6 months as per HARERA notification no. 9/3-2020 dated 26.05.2020 for the projects having completion date on or after 25.03.2020.)
13.	Total sale consideration	Rs. 26,26,000/- (As per BBA on page 37 of complaint)
14.	Amount paid by the complainant	Rs. 27,14,168/- (As per ledger account on page 74 of complaint)
15.	Occupation certificate /Completion certificate	Not obtained
16.	Offer of possession	Not offered

The counsel for the complainant is seeking DPC, possession, CD, refund excess amount paid, restrain respondent from demanding labour cess, VAT, Work Contract Tax and power back-up charges on the ground that the respondent has failed to hand over the possession of the unit allotted in terms of the Affordable Housing Policy as well as the provisions of the Act, 2016 and Rules

framed thereunder. The due date for handing over of possession was 30.05.2022 and the OC for the project is yet to be received. Further, certain unreasonable demands have been made by the respondent which may be quashed.

The counsel for the respondent states that the unit of the complainant was to be handed over in terms of the BBA and in terms of clause 5.2, as well as 5.5, the delay due to the circumstances beyond the control of the promoter is not to be counted within the period for handing over of possession. He further states that licence of the promoter was suspended by the DTCP on the complaint of the complainants and the promoter was not able to proceed with the completion of the project.

Arguments heard.

Order reserved.

Matter to come up on **11.12.2024** for pronouncement of order. Meanwhile the parties are at liberty to file written submissions within a period of 2 weeks with an advance copy to each other.

Ashok Sangwan
Member
16.10.2024