

PROCEEDINGS OF THE DAY		119
Day and Date	Tuesday and 18.03.2025	
Complaint No.	CR/4017/2019 Case titled as Anil Gupta VS Ninex Developers Limited	
Complainant	Anil Gupta	
Represented through	Shri Rajan Gupta Advocate	
Respondent	Ninex Developers Limited	
Respondent Represented through	None	
Last date of hearing	17.12.2024	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings

The present complaint was filed on 11.09.2019 and till date no reply has been received.

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

S. N.	Particulars	Details
1.	Name of the project	"Ninex City", Sector – 76, Gurugram
2.	Project area	16.82 acres
3.	Nature of the project	Group Housing
4.	DTCP license no. and validity status	16 of 2010 dated 16.02.2010 valid upto 15.02.2025
6.	RERA Registered/ not registered	Not registered
7.	Unit no.	C-804, 8 th floor, C- Block



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CR/4017/2019

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

8.	Unit area admeasuring	1952 sq. ft.
9	Date of booking	03.08.2011
10	Date of allotment	03.08.2011
11.	Date of execution of buyer agreement	24.01.2012
12.	Possession clause	26 Possession <i>Subject to other terms of the Application and the Agreement, including but not limited to clauses concerning taxes payable by the Allottee(s) and timely payment of the Sale Price and other amounts, charges & dues as mentioned in the Application/Agreement, the Company shall endeavor to complete the construction of the said apartment within thirty there (33) months from the from the date of booking by the Allottee(s) and thereafter the Company shall offer the possession of the said Apartment to the Allottee(s)..... .</i>
13.	Due date of possession	03.05.2014
14.	Basic sale consideration	Rs. 65,39,200/-
15.	Amount paid by the complainants	Rs. 63,37,267/-
16.	Occupation certificate	Not obtained

Vide order dated 10.12.2020, the present complaint was kept in abeyance till the decision of NCLT. The complainant filed an application dated 22.05.2024 for the revival of the complaint and submitted that in the CIRP of the respondent no. 1 company, an application being IA No. 5050/2023 was filed



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under Section 12A of the Insolvency and Bankruptcy Code, 2016 for withdrawal of the CIRP as the withdrawal plan under Section 12A of the Code has been approved by the CoC with 92.50% votes in its favour. The said application being IA No. 5050/2023 was allowed by the Hon'ble NCLT vide its order dated 15.02.2024. The said application for revival of the complaint was allowed on 09.07.2024 and notice was issued on 7.02.2024 for last and final opportunity to appear before the court on 17.12.2024.

However, despite the final opportunity, the respondent has neither appeared nor filed any reply in the matter till date.

The complainant is seeking delay possession charges along with prescribed rate of interest from the due date of possession i.e. 03.05.2014 as the respondent has not obtained the occupation certificate.

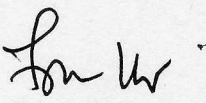
The case is pending for the last 5 years and the complainant cannot be expected to wait indefinitely for a decision in the matter. In view of the above, the respondent is proceeded *ex-parte* and hence the case is being proceeded further on the basis of available record.

Heard.

The respondent/promoter is directed to pay interest to the complainant(s) against the paid-up amount at the prescribed rate of 11.10% p.a. for every month of delay from the due date of possession i.e.03.05.2014 till valid offer of possession plus 2 months after obtaining occupation certificate from the competent authority or actual handing over of possession, whichever is earlier, as per Section 18(1) of the Act of 2016 read with Rule 15 of the Rules, 2017.

Detailed order will follow. Matter stands disposed of.


Ashok Sangwan
Member


Arun Kumar
Chairman
18.03.2025

V.I

Vijay Kumar Goyal
Member