



HARERA
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HARYANA REAL ESTATE REGULATORY AUTHORITY
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हरियाणा मू-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

14

Day and Date	Thursday and 25.05.2023
Complaint No.	CR/4023/2020 Case titled as Ravi Narain Vats Vs Mapsko Builder Pvt. Ltd.
Complainant	Ravi Narain Vats
Represented through	Complainant in person
Respondent	Mapsko Builder Pvt. Ltd.
Respondent Represented through	Shri Sumesh Malhotra and Ms. Prachi Goyal Advocates
Last date of hearing	09.03.2023
Proceeding Recorded by	Naresh Kumari and HR Mehra

Proceedings

The present complaint has been received on 05.11.2020 and the reply was received on 10.12.2021.

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

Sr. No.	Particulars	Details
1.	Name of the project	Mapsko Royale Ville, Sector 82, Gurugram, Haryana.
2.	Unit no.	1002, 10 th floor, tower: -Regal (page no. 44 of complaint)
3.	Unit admeasuring	1790 sq. ft.
4.	Date of execution of flat buyer's agreement	01.05.2011 (Page no. 42 of complaint)
5.	Possession clause	17(a). <i>That the promoter shall endeavor</i>



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CR 4023/2020

New PWD Rest House, Civil Lines, Gurugram, Haryana

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		<i>to complete the construction of the said flat within a period of 42 months from the date of signing of this agreement with the buyer or within an extended period of six months subject to force majeure condition as mentioned in clause b hereunder or subject to any other reasons beyond the control of the promoter. No claim by way of damages/compensation shall lie against the promoter in case of delay in handing over the possession beyond 48 months from the date of signing of this agreement, except charges Rs. 5 per sq. ft. per month will be payable by the promoter to the original allottee till the handing over the possession, further no said charges will be payable by the promoter to the original allottee whose payment not received as per time framed mentioned in this agreement.</i> (Emphasis supplied)
6.	Due date of delivery of possession as per clause 17 (a) of the flat buyer's agreement	01.11.2014 Note: - Grace period not allowed
7.	Total sale consideration	Rs. 56,00,953/- (Page no. 52 of complaint)
8.	Total amount paid by the complainants	Rs. 59,63,510/- (As alleged by the complainant on page 6 of his complaint)
10.	Occupation certificate	20.07.2017 (Page no. 53 of reply)



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New PWD Rest House, Civil Lines, Gurugram, Haryana

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

11.	Offer of possession	21.07.2017 [page 58 of reply]
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The counsel for the respondent states that earlier the complainant was a party before the NCDRC seeking the relief of refund but the complainant states that the said complaint before NCDRC stands withdrawn and is now seeking delayed possession charges at the rate of 21% per annum. The NCDRC vide order dated 10.11.2022 has already dismissed the complaint as withdrawn and his name has been deleted from the names of memo of parties.

The complainant is requesting the relief of grant of DPC at the prescribed rate of interest i.e. 10.70% per annum from the due date of possession alongwith other relief.

The counsel for the respondent states that the respondent is willing to hand over the possession after adjustment of delayed possession interest and if any outstanding amount remains on account of maintenance and club charges are paid.

The complainant has already filed written submissions but the counsel for the respondent has not filed written submissions as per directions of the authority and requests for filing the same in next 2 weeks after supplying a copy to the complainant.

Arguments heard.

Order reserved.

Matter to come up on 31.08.2023 for pronouncement of order.

V.I -
Vijay Kumar Goyal
Member
25.05.2023