



**HARERA**  
GURUGRAM

**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**

**63**

|                                |                                                                                              |
|--------------------------------|----------------------------------------------------------------------------------------------|
| Day and Date                   | Tuesday and 08.07.2025                                                                       |
| Complaint No.                  | CR/4097/2023 Case titled as Shakun Dhingra and Isha Rakeja VS Advance India Projects Limited |
| Complainant                    | Shakun Dhingra and Isha Rakeja                                                               |
| Represented through            | Complainant in person                                                                        |
| Respondent                     | Advance India Projects Limited                                                               |
| Respondent Represented through | Shri Gunjan Kumar Advocate                                                                   |
| Last date of hearing           | 13.05.2025                                                                                   |
| Proceeding Recorded by         | Naresh Kumari and HR Mehta                                                                   |

**Proceedings**

The present complaint has been received on 20.09.2023 and the reply on behalf of the respondent was filed on 22.12.2023.

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

| S. N. | Particulars                    | Details                                                      |
|-------|--------------------------------|--------------------------------------------------------------|
| 1.    | Name of the project            | "AIPL Joy Square", Sector-63A, Gurgaon                       |
| 2.    | Nature of project              | Commercial site in Residential plotted colony of 2.838 acres |
| 3.    | RERA registered/not registered | 259 OF 2017 dated 03.10.2017 valid up to 31.12.2022          |
| 4.    | DTPC License no.               | 119 of 2011 dated 28.12.2011 valid up to 27.12.2019          |



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*CR/4097/2023*

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|     |                                            |                                                                                                                                                                                                                                                                                                                                                  |
|-----|--------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|     | Licensed area                              | 108.125 acres                                                                                                                                                                                                                                                                                                                                    |
|     | Name of licensee                           | BIP holder Anant Raj Ltd.                                                                                                                                                                                                                                                                                                                        |
| 5.  | Unit no.                                   | SF-088 on 2 <sup>nd</sup> floor<br>[annexure 1 of complaint]                                                                                                                                                                                                                                                                                     |
| 6.  | Unit area admeasuring                      | 652 sq. ft. [Super area]<br>[annexure 1 of complaint]                                                                                                                                                                                                                                                                                            |
| 7.  | Allotment letter                           | 05.06.2023<br>[annexure 1 of complaint]                                                                                                                                                                                                                                                                                                          |
| 8.  | Date of registered builder buyer agreement | 28.06.2023<br>[annexure 3 of complaint]                                                                                                                                                                                                                                                                                                          |
| 9.  | Total sale consideration                   | ₹ 41,62,368/- [TSC]<br>[page no. 50 of reply]                                                                                                                                                                                                                                                                                                    |
| 10. | Amount paid by the complainant             | ₹ 11,15,807/-<br>[As per SOA dated 20.07.2023 at annexure 1 of complaint]                                                                                                                                                                                                                                                                        |
| 11. | Possession clause                          | <b>Clause 5</b><br><i>The promoter shall abide by the time schedule for completing the said Unit/Project, handing over the possession of the said unit to the allottee (which for the purpose of this agreement shall mean issuance of notice of offer of possession of the unit by the promoter to the allottee) and the common area to the</i> |



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|     |                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|     |                                                                                                                                                                                   | <i>under rule 2(1)(f) of the Rules or as disclosed at the time of registration of the project with the authority i.e., <b>30.06.2023</b> (including extension granted by RERA by invoking "Force Majeure" clause) or such other extended period as may be intimated and approved by the authority from time to time. The completion of the project shall mean grant of occupation certificate for the said unit/project. It is agreed between the parties that for that purpose of this agreement "handing over the possession of the said unit" shall mean issuance of notice of offer of possession of the unit by the promoter to the allottee.</i> |
| 12. | Due date of possession                                                                                                                                                            | <b>30.06.2023</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 13. | Application for grant of OC                                                                                                                                                       | <b>02.06.2023</b><br>[Page 100 of reply]                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 14. | Occupation certificate                                                                                                                                                            | 09.11.2023<br>[pg. 106 of reply]                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 15. | Addendum to agreement for sale w.r.t. physical possession shall not be given to the allottee                                                                                      | 28.06.2023<br>[Annexure 3 of complaint]                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 16. | Addendum to agreement for sale w.r.t. penalty (as per clause 1 & 2) if respondent applies for OC after 02.12.2023 then the company will pay penalty of Rs. 36.18/- per sq. ft. on | 28.06.2023<br>[Page 96, Annexure R5 of reply]                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |



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21/05/2023

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

|     |                                                                                                                                                                       |            |
|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
|     | if respondent applies for OC before 02.12.2023 then the allottee will pay incentive of Rs. 36.18/- per sq. ft. per month on super area for the period of preponement. |            |
| 17. | Offer of possession                                                                                                                                                   | 03.05.2024 |

The complainant is seeking directions to the respondent to revoke the current demand which needs to be payable at the time of the OC and will raise this only when OC is received, not to levy interest in instalments due, to cancel and set aside 2 addendums signed illegally at the time of BBA registration regarding payment of incentive payment and irrevocable giving lease rights to builders as their terms were not agreed between the parties at the time of booking and to give GST input credit in next demand to be raised at the time of receipt of OC.

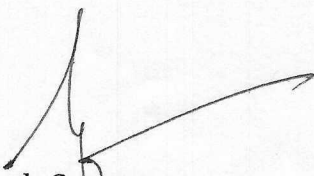
The counsel for the respondent states that the respondent has offered the possession on 03.05.2024 after obtaining occupation certificate on 09.11.2023 whereas the due date of delivery of possession was 30.06.2023.

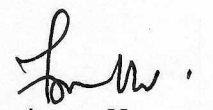
Arguments heard.

Order reserved.

Parties may file brief written submissions within a period of 2 weeks with an advance copy to each other.

Matter to come up on 29.07.2025 for pronouncement of order.

  
Ashok Sangwan  
Member

  
Arun Kumar  
Chairman