

PROCEEDINGS OF THE DAY		23
Day and Date	Thursday and 11.01.2024	
Complaint No.	CR/4224/2022 Case titled as Anirudh Kaushik and Aditya Kaushik VS REVITAL REALITY PVT LTD	
Complainant	Anirudh Kaushik and Aditya Kaushik	
Represented through	Shri Rahul Thareja Advocate	
Respondent	REVITAL REALITY PVT LTD	
Respondent Represented through	Shri Bhrigu Dhami Advocate	
Last date of hearing	30.11.2023	
Proceeding Recorded by	Naresh Kumari and HR Mehta	
Proceedings		
<p>On the last date of hearing, the counsel for the complainant was directed to service the copy of the affidavit to the respondent. The same was filed in the Authority on 21.11.2023 and placed on file.</p> <p>The present complaint was received on 22.06.2022 and the reply on behalf of respondent was received on 27.01.2023.</p> <p>Succinct facts of the case as per the pleading and annexures are as under:</p>		
S.No.	Particulars	Details
1.	Name of the project	"Supertech Basera" sector- 79&79B, Gurugram
2.	Project area	12.10 area
3.	Nature of project	Affordable Group Housing Project



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. टी. विधाम गृह, सिविल लाईंस, गुरुग्राम, हरियाणा

4.	RERA registered/not registered	Registered vide no. 108 of 2017 dated 24.08.2017	
5.	RERA registration valid upto	31.01.2020	
6.	RERA extension no.	14 of 2020 dated 22.06.2020	
7.	RERA extension valid upto	31.01.2021	
8.	DTPC License no.	163 of 2014 dated 12.09.2014	164 of 2014 dated 12.09.2014
	Validity status	11.09.2019	11.09.2019
	Name of licensee	Revital Reality Private Limited and others	
9.	Date of approval of building plans	19.12.2014 [as per information obtained by the planning branch]	
10.	Date of grant of environment clearance	22.01.2016 (As per page no. 26 of the reply)	
11.	Unit no.	0703, 7 th floor, tower/block- 3, (Page no. 24 of the complaint)	
12.	Unit measuring	495 sq. ft. (Carpet area) 97 sq. ft. (Balcony area) (Page no. 24 of the complaint)	



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

13.	Allotment letter	29.12.2015 (Page no. 18 of the complaint)
14.	Date of execution of flat buyer's agreement	01.03.2016 (Page no. 23 of the complaint)
15.	Possession clause	3.1 Possession <i>Subject to force majeure circumstances, intervention of Statutory Authorities, receipt of occupation certificate and Allottee/Buyer having timely complied with all its obligations, formalities, or documentation, as prescribed by the Developer and not being in default under any part hereof and Flat Buyer's Agreement, including but not limited to the timely payment of instalments of the other charges as per payment plan, Stamp Duty and registration charges, the Developers Proposes to offer possession of the said Flat to the Allottee/Buyer within a period of 4 (four) years from the date of approval of building plans or grant of environment clearance, (hereinafter referred to as the "Commencement Date") , whichever is later. The Developer also agrees to compensate the Allottee/Buyer @ Rs.5.00/- (Five rupees only) per sq. ft. of the area of the flat per month for any delay in handing over possession of the Flat beyond the given promised period plus the grace period of 6 months and upto offer letter of possession or actual physical possession whichever is earlier.</i>



HARERA
GURUGRAM

HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा मू-संपदा विनियामक प्राधिकरण, गुरुग्राम

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

		(Page no. 27 of the complaint).
16.	Grace period	Not allowed The promoter has proposed to hand over the possession of the said flat within a period of 4 years from the date of approval of building plans (19.12.2014) or grant of environment clearance, (22.01.2016) (hereinafter referred to as the " Commencement Date "), whichever is later and has sought further extension of a period of 6 months (after the expiry of the said time period of 4 year) but there is no provision in relation to grace period in Affordable Group Housing Policy, 2013. As such in absence of any provision related to grace period, the said grace period of six months as sought by the respondent promoter is disallowed in the present case.
17.	Due date of possession	22.01.2020 [Note: - the due date of possession can be calculated by the 4 years from approval of building plans (19.12.2014) or from the date of environment clearance (22.01.2016) whichever is later.]
18.	Total sale consideration	Rs.20,28,500/- (As per payment plan page no. 26 of the complaint)
19.	Total amount paid by the complainant	Rs.21,17,880/-



HARERA
GURUGRAM

HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा मू-संपदा विनियामक प्राधिकरण, गुरुग्राम

New PWD Rest House, Civil Lines, Gurugram, Haryana


नया पी. डब्ल्यू. डी. विभाग गृह, सिविल लाईन, गुरुग्राम, हरियाणा

		(As alleged by the complainant at page no. 7 of the complaint)
20.	Occupation certificate	Not obtained

The counsel for the respondent has filed a copy of customer statement acknowledging the receipt of amount of Rs.21,17,881/- and requests for reduction of Rs.5477/- credited on account of early payment discount and thus, the net amount paid by the allottee comes to Rs.21,12,404/-. The complainant is seeking refund of the deposited amount and is placing a copy of the pre-possession account statement issued by the respondent dated 03.10.2023 confirming the total received amount as on date comes to Rs.21,40,022/- and requests for refund of this amount alongwith interest as the project is not yet complete and neither OC is obtained nor possession is offered and seeking refund.

The respondent is directed to refund the deposited amount alongwith prescribed rate of interest i.e. 10.85% per annum from the date of each deposit till its realization within a period of 90 days. No third party rights in respect of unit of the complainant shall be created by the respondent till realization of the amount paid by the complainant.

Detailed order will follow. Matter stands disposed off.

V.1 
Vijay Kumar Goyal
Member
11.01.2024