

PROCEEDINGS OF THE DAY		31
Day and Date	Thursday and 16.05.2024	
Complaint No.	CR/4250/2022 Case titled as Balvinder Kaur VS Raheja Developers Limited	
Complainant	Balvinder Kaur	
Represented through	Shri Rishabh Gupta Advocate	
Respondent	Raheja Developers Limited	
Respondent Represented	Shri Garvit Gupta Advocate	
Last date of hearing	28.03.2024	
Proceeding Recorded by	Naresh Kumari and HR Mehta	
Proceedings		
The present complaint was filed on 01.07.2022 and reply received on 14.03.2023.		
The succinct facts of the case are as follows:		
S.No.	Particulars	Details
1.	Name and location of the project	"Raheja Shilas", Sector-109, Gurugram
2.	Nature of the project	Low rise Independent floors
3.	Project area	14.812acres
4.	DTCP License and validity	257 of 2007 dated 07.11.2007 valid up to 06.11.2024
5.	Name of the licensee	Brisk Construction Pvt. Ltd. and 3 others
6.	RERA Registration	90 of 2017 dated 28.08.2017 valid up to 31.12.2020
7.	Unit no. and floor no.	IF10-01, Ground Floor and Block-IF10 (As per page no. 63 of the complaint)
8.	Unit area admeasuring	2152.64 sq. ft. (Super area) (As per page no. 21 of the complaint)
9.	Allotment letter	16.02.2010 (As per page no. 30 of the complaint)



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हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

4/4250/2022

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

10.	Date of execution of agreement to sell	16.02.2010 (As per page no. 31 of the complaint)
11.	Possession clause	4.2 Possession Time and Compensation <i>That the seller shall sincerely endeavour to give possession of the plot to the purchaser within thirty (30) months from the date of the execution this Agreement and after providing of necessary infrastructure specially road sewer & water in the sector by the Government, but subject to force majeure conditions or nay Government/Regulatory authority's action, inaction or omission and reasons beyond the control of the seller.</i> (As per page no. 35 of the complaint)
12.	Due date of possession	16.08.2012 (calculated from the date of execution of agreement to sell i.e., 16.02.2010)
13.	Total sale consideration	Rs.90,14,776/- inclusive of taxes (As per customer ledger on page no. 60 of the complaint)
14.	Amount paid by the complainant	Rs.79,08,191/- (As per customer ledger on page no. 61 of the complaint)
15.	Occupation Certificate/ completion certificate	Not received
16.	Offer of possession	Not offered

The complainant is seeking delayed possession charges and execution of conveyance deed.

The counsel for the respondent states that the OC in respect of the unit of the complainant-allottee has been applied on 27.4.2017 but not yet granted due to some provision of 33 KVA electric lines and hence if the DPC is to be granted the same may be granted only till making of the application for OC after completing the unit as the delay in grant of OC beyond the control of the respondent.

However, the counsel for the complainant states that under section 18 of the Act, it is statutory right of the complainant-allottee to be awarded delay possession interest till valid offer of possession is made after obtaining OC and the authority has already taken a view in similar cases of the above projects and relief in terms of the same may be granted.



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Arguments heard.

Order reserved.

The counsel for the complainant has already filed the written submissions and the counsel for the respondent requests for filing the written submissions which may be filed within a period of two weeks after supplying a copy to the counsel for the complainant.

Matter to come up on 1.8.2024 for pronouncement of orders.

V.1-3
Vijay Kumar Goyal
Member
16.05.2024