



**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**

2

Day and Date	Friday and 03.03.2023
Complaint No.	CR/4255/2019 Case titled as Naval Paul Singh Bhatia Vs Sepset Properties Private Limited
Complainant	Naval Paul Singh Bhatia
Represented through	Shri Manish Kaushik Advocate
Respondent	Sepset Properties Private Limited
Respondent Represented	Ms. Stuti Sharma Advocate
Last date of hearing	02.02.2023
Proceeding Recorded by	Naresh Kumari and HR Mehta

**Proceedings**

The present complaint has been filed on 17.09.2019 and the reply was received on 14.01.2021.

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

Sr. No.	Particulars	Details
1.	Name of the project	'Paras Dews', Sector -106, Gurugram
2.	Unit no.	T-B/0004, Tower-B, Ground Floor
3.	Unit admeasuring	1760 sq. ft.
4.	Allotment letter	30.07.2016 (page no. 94 of the complaint)



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

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5.	Date of execution of builder buyer's agreement	Not executed (Copy of BBA annexed with complaint but not duly signed)
6.	Possession clause	<b>Clause 3.1:</b> <i>The Seller proposes to hand over the possession of the Apartment to the Purchaser(s) within a period of 42 (Forty Two) months with an additional grace period of 6 (six) Months from the date of execution of this Agreement or date of obtaining all licenses or approvals for commencement of construction, whichever is later, subject to Force Majeure.</i>
7.	Building plan	29/12/2012 (page no. 43 of reply)
8.	Due date for delivery of possession	<b>06.09.2017</b> (calculated from the date of Environment clearance as date of execution of BBA is not mentioned) (grace period of 6 months allowed being unqualified)
9.	Total sale consideration	Rs. 1,07,30,880/- (as per allotment letter on page no. 94 of complaint)
10.	Total amount paid by the complainant	Rs. 1,02,43,564/- (as per receipts annexed on page no's 59-72 of complaint)
11.	Occupation Certificate	15.01.2019 (page no. 30 of reply)



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12.	Offer of possession	24.01.2019 (page no. 64 of reply)
13.	Date of environmental clearance	06.09.2013

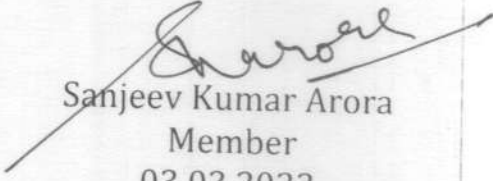
The counsel for the complainant states that possession of the unit was due to be handed over on 06.09.2017 whereas the same has been offered on 02.03.2023 and further reaffirmed that no offer prior to this was made to them. Further states that LC was appointed by the authority on 31.08.2022 and as per report of the LC dated 30.11.2022 which clearly shows that the unit is not in a habitable condition and is not complete as per BBA. Copy of the report of LC was well delivered to the respondent.

The counsel for the respondent states that few deficiencies in the building were there which were finally got removed in February 2023 as per the application filed by the respondent on 08.02.2023 in the authority.

Arguments heard.

Refund is allowed alongwith prescribed rate of interest i.e. 10.70% per annum.

Matter stands disposed off. Detailed order will follow. File be consigned to the registry.

  
Sanjeev Kumar Arora  
Member  
03.03.2023