

PROCEEDINGS OF THE DAY		48
Day and Date	Friday and 22.11.2024	
Complaint No.	CR/4298/2023 Case titled as Subhash Yadav VS BPTP Limited	
Complainant	Subhash Yadav	
Represented through	Shri Ashish Budhiraja Advocate	
Respondent	BPTP Limited	
Respondent Represented	Shri Harshit Batra Advocate	
Last date of hearing	30.08.2024	
Proceeding Recorded by	Naresh Kumari and HR Mehta	
Proceedings		
The present complaint was filed on 18.09.2023 and the reply on behalf of the respondent was filed on 29.03.2024.		
Succinct facts of the case as per complaint and annexures are as under:		
S. No.	Heads	Information
1	Project name and location	Spacio Park, Sector-37 D
2	Project area	23.814 acres
3	Nature of the project	Group Housing Colony
4	Allotment letter dated	12.11.2010
5	BBA agreement dated	04.04.2011
6.	Nomination letter dated	23.09.2011
7	Unit no.	Q-1101, 11 th floor, Tower-Q
8	Area of the unit	1000 sq. foot.
9	Possession clause	3.1 36 months from the date of booking registration of the Flat. The



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हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

CR/4298/2023

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

		Purchasers) agrees and understands that the Seller / Confirming Party shall be entitled to a grace period of 180 One Hundred and Eighty days, after the expiry of 36 months, for applying and obtaining the occupation certificate in respect of the Colony from the Authority. The Seller (Confirming Party shall give Notice of Possession in writing to the Purchaser with regard to the handing over of possession, whereafter, Within 30 days, the Purchaser(s) shall clear all his outstanding dues and complete documentary formalities and take physical possession of the Flat In case, the Purchases) raises any issue with respect to any demand, the same would not entitle the Purchasers) for an extension of the time for taking over possession of the Flat.
10	Due date of possession dated	12.05.2013
11	Total sale consideration	Rs. 44,63,344/- As per SOA page 132 of the reply
12	Amount received on	Rs. 31,58,319/- As per SOA page 132 of the reply
13	OC received on	15.01.2021
14	Offer of possession dated	29.01.2021

The complainant is seeking the following reliefs:

1. Direct the respondent to pay the delayed possession charges.
2. Direct the respondent to execute the CD.
3. Direct the respondent to pay service tax and GST charges to the complainant.



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The counsel for the complainant is seeking DPC alongwith other reliefs in terms of the report of the High Powered Committee appointed by the authority with direction to charge maintenance charges from the date of handing over of possession.

The counsel for the respondent states that after completing the unit, the possession has already been offered on 29.01.2021 and possession shall be handed over after making the payment of outstanding amount.

Arguments heard.

The respondent-promoter is directed to pay interest to the complainant against the paid-up amount at the prescribed rate i.e 11.10% per annum for every month of delay w.e.f. due date of possession i.e., 12.05.2013 till the date of handing over of possession, i.e., till 29.01.2021, as per Section 18 (1) of the Act of 2016 read with Rule 15 of the Rules, ibid. Other reliefs shall be dealt with as per report of the High Powered Committee appointed by the authority.

Detailed order will follow. Matter stands disposed off.

V. I. 3
Vijay Kumar Goyal
Member
22.11.2024