

<b>PROCEEDINGS OF THE DAY</b>		<b>22</b>
Day and Date	Wednesday and 01.02.2023	
Complaint No.	CR/4420/2021 Case titled as Anurup Arora Vs Raheja Developers Limited	
Complainant	Anurup Arora	
Represented through	Shri Shyamal Kumar Advocate	
Respondent	Raheja Developers Limited	
Respondent Represented through	Shri Garvit Gupta Advocate	
Last date of hearing	08.02.2022, 21.04.2022, 05.08.2022, 02.11.2022	
Proceeding Recorded by	Naresh Kumari and HR Mehta	
<b>Proceedings</b>		
<p>The present complaint was filed on 22.11.2021 and the reply on behalf of respondent has not been received within the stipulated time period despite service of notice. Therefore, in view of orders dated 02.11.2022, the defence of the respondent is struck off.</p> <p>Succinct facts of the case as per complaint and annexures are as under:</p>		
<b>S.No.</b>	<b>Heads</b>	<b>Information</b>
1.	Project name and location	"Raheja's Atharva", Sector 109, Gurugram
2.	Project area	14.812 acres
3.	Nature of the project	Residential Group Housing Colony
4.	DTCP license no. and validity status	257 of 2007 dated 07.11.2007 valid up to 06.11.2017
5.	Name of licensee	Brisk Construction Pvt. ltd and 3 others

6.	RERA Registered/ not registered	Registered vide no. 90 of 2017 dated 28.08.2017
7.	RERA registration valid up to	27.02.2023 5 Years from the date of revised Environment Clearance
8.	Unit no.	IF 18 - 03, 2 <sup>nd</sup> floor, block/tower- IF 18 [Page no. 34 of the complaint]
9.	Unit measuring	2102 sq. ft. [Page no. 34 of the complaint]
10.	Date of allotment letter	30.06.2011 [Page no. 58 of the complaint]
11.	Date of execution of flat buyer agreement	30.06.2011 [Page no. 31 of the complaint]
12.	Possession clause	<b>4.2 Possession Time and Compensation</b> <i>That the Seller endeavors to give possession of the apartment to the purchaser within twenty-four (24) months from the date of the execution of the Agreement and after providing of necessary infrastructure in the sector by the Government, but subject to force majeure conditions or any Government/Regulatory authority's action, inaction or omission and reasons beyond the control of the Seller. However, the seller shall be entitled for compensation free grace period of six (6) months in case the construction is not completed within the time period mentioned above....."</i>
13.	Grace period	<b>Allowed</b>



**HARERA**  
**GURUGRAM**

**HARYANA REAL ESTATE REGULATORY AUTHORITY**  
**GURUGRAM**

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम  
नया पी.डब्ल्यू.डी. विश्राम गृह, सिविल लाईंस, गुरुग्राम, हरियाणा

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

		<p>As per clause 4.2 of the agreement to sell, the possession of the allotted unit was supposed to be offered within a stipulated timeframe of 24 months plus 6 months of grace period. It is a matter of fact that the respondent has not completed the project in which the allotted unit is situated and has not obtained the part completion certificate by June 2013. As per agreement to sell, the construction and development work of the project is to be completed by June 2013 which is not completed till date. <b>Accordingly, in the present case the grace period of 6 months is allowed.</b></p>
14.	Due date of possession	<b>30.12.2013</b> <b>[Note: 24 months from the date of agreement to sell i.e., 30.06.2011 + six months grace period]</b>
15.	Payment plan	Installment Payment Plan [as per payment plan at page no. 56 of the complaint]
16.	Basic sale consideration as per BBA at page no. 56 of the complaint	Rs.99,92,679 /-
17.	Total sale consideration as per customer ledger dated 25.08.2019 at page no. 59 of complaint	Rs.1,00,74,725/-
18.	Total amount paid by the complainant as per customer	Rs.89,14,544 /-



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	ledger dated 25.08.2019 at page no. 59 of complaint	
19.	Occupation certificate /Completion certificate	Not received
20.	Offer of possession	Not offered
21.	Delay in handing over possession till date of this order i.e., 01.02.2023	9 years 1 month and 2 days

Arguments heard.

The counsel for the respondent states that he is unable to argue the matter since he is not access to the case file. However, it is confirmed that OC has not been granted for the project.

Order pronounced.

Delayed possession charges granted at the prescribed rate of interest i.e. 10.60% per annum.

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

Ashok Sangwan  
Member

Vijay Kumar Goyal  
Member  
01.02.2023