

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

PROCEEDINGS OF THE DAY		56
Day and Date	Friday and 30.05.2025	
Complaint No.	CR/462/2024 Case titled as Shriniwas Sharma VS Shine Buildcon Private Limited	
Complainant	Shriniwas Sharma	
Represented through	Shri Garvit Gupta Advocate	
Respondent	Shine Buildcon Private Limited	
Respondent Represented	Shri Nishant Jain Advocate	
Last date of hearing	17.04.2025	
Proceeding Recorded by	Naresh Kumari and HR Mehta	
Proceedings		
The present complaint was filed on 19.02.2024 and the reply on behalf of respondent was received on 30.04.2024.		
Succinct facts of the case as per complaint and reply are as under:		
Sr. No.	Particulars	Details
1.	Name of the project	"70 Grandwalk", Sector 70, Gurugram
2.	Project area	2.893 acres
3.	Nature of the project	Commercial Complex
4.	DTCP license no. and validity status	34 of 2012 dated 15.04.2012 valid upto 14.04.2020
5.	Name of licensee	Shine Buildcon
6.	RERA Registered/ not registered	28 of 2017 dated 28.07.2017 valid up to 30.06.2022
7.	Unit no.	A-001, Ground floor (page no.33 of complaint)
8.	Unit area admeasuring	907 sq. ft. (Super Area) (page no.34 of complaint)
9.	Allotment Letter	04.03.2015 (Page no. 33 of complaint)

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10.	Letter for execution of buyer's agreement by respondent	29.04.2015 (page 36 of complaint)
11.	Date of execution of BBA	11.05.2015 (Page no. 41 of complaint)
12.	Building plan approval	03.05.2013 (taken from another complaint CR/5702/2023 of same project disposed off vide order dated 04.07.2024)
13.	Payment Plan	Construction linked plan (page 86 of complaint)
14.	Possession clause	Clause 13. POSSESSION AND HOLDING CHARGES "(ii) subject to Force Majeure, as defined herein and further subject to the Allottee having complied with all its obligations under the terms and conditions of this Agreement and not having defaulted under any provision(s) of this Agreement including but not limited to the timely payment of all dues and charges including the total sale Consideration, registration charges, stamp duty and other charges and also subject to the Allottee having complied with all formalities or documentation as prescribed by the Company, the Company proposes to offer the possession of the said Shop to the Allottee within a period of 42 months from the date of signing of this agreement or approval of the Building plans, whichever is later. The Allottee further agrees and understands that the Company shall additionally be entitled to a period of 6 (six month) ("Grace period") , after the expiry of the said Commitment Period to allow for unforeseen delays beyond the reasonable control of the Company." (Page no. 80 of complaint)
15.	Due date of possession	11.05.2019 (Calculated to be 42 months from the date of execution of BBA + Grace period of 6 months being unqualified and unconditional)
16.	Basic Sale Price	Rs.1,04,30,500 /- (As per BBA at page no. 87 of complaint)

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17.	Amount paid by the complainant	Rs.93,31,593 /- (as per SOA page 132 of complaint) Rs.1,07,65,315/- (as alleged by complainant page 10 of complaint)
18.	Occupation certificate	10.10.2023 (page 32 of reply)
19.	Offer of possession	24.11.2023 (page 130 of complaint)

The counsel for the complainant states that the complainant wishes to continue with the project and DPC and physical possession of the unit and to restrain the respondent for raising illegal demands alongwith offer of possession. Further, submits that the complainant has paid Rs.1,07,65,315/-to the respondent for the subject unit, however the respondent has wrongly mentioned in the SoA an amount of Rs. 93,31,593 /-. Hence, DPC may be allowed on Rs.1,07,65,315/- paid to the respondent

The counsel for the respondent states that after obtaining OC from the competent authority on 10.10.2023, offer of possession was made on 24.11.2024 with certain demands which are in terms of BBA and the complainant is not taking over the physical possession of the unit.

Order reserved.

Parties may file brief written submissions within a period of 4 weeks with an advance copy to each other. Respondent is directed to file latest SoA before the next date of hearing after supplying an advance copy to the complainant.

Matter to come up on **17.07.2025** for pronouncement of order.

V.1 3
Vijay Kumar Goyal
Member
30.05.2025