PROCEEDINGS OF THE DAY	139
Day and Date	Friday and 02.08.2024
Complaint No.	CR/4678/2023 Case titled as Seema VS Perfect Buildwell Private Limited
Complainant	Seema
Represented through	Shri Yogesh, AR of the complainant
Respondent	Perfect Buildwell Private Limited
Respondent Represented through	Shri Rahul Singh, Advocate
Last date of hearing	17.05.2024
Proceeding Recorded by	Naresh Kumari and HR Mehta

Proceedings

The present complaint has been received on 09.10.2023 and the reply was received on 16.02.2024.

Succinct facts of the case are as under:

S.N.	Particulars	Details
1.	Name of the project	Zara Aavaas, Sector 104, Dwarka Expressway, Gurugram.
2.	Nature of project	Affordable Group Housing Colony
3.	RERA registration	21 of 2019 valid up to 14.02.2024
4.	Allotment letter	19.10.2015 (page 27 of complaint)
5.	Apartment no.	04, ninth floor, tower 18 admeasuring 524 sq. ft. (carpet Area) 94 sq. ft. (balcony area) (page 27 of complaint)
6.	Date of apartment buyer agreement	22.08.2016 (page 29 of complaint) – UR
7.	Date of building plan approval	08.12.2014 (page 03 of reply)

8.	Date of environmental clearance	09.03.2015 (page 03 of reply)
9.	Possession clause	***3. Possession*** *3(1) Unless a longer period is permitted by the DGTCP or in the policy and subject to the force majeure circumstances as stated in clause 16 hereof, intervention of statutory authorities, receipt of occupation certificate and timely compliance by the Apartment Buyer(s) of all his/her/their obligations, formalities and documentation as prescribed by the Developer from time to time and not being in default under any part of this Agreement, including but not limited to timely payment of installments of the total cost and other charges as per the payment plan, stamp duty and registration charges,* ***the Developer proposes to offer possession of the Said Apartment to the Apartment Buyer(s) within 4(four) years from the date of approval of building plans or grant of environment clearance, whichever is later.*** *(Emphasis supplied)*
10.	Due date of possession	09.03.2019 (calculated from the date of environment clearance, being later)
11.	Total sale consideration	Rs.21,43,000/- (as per Clause 2.1 of BBA on page 35 of complaint)
12.	Paid up amount	Rs.22,83,740/- (as per revised statement of account on page 61 of complaint)
13.	Occupation certificate	04.12.2019 (page 26 of reply)
14.	Offer of possession	20.01.2020 (page 29 of reply)

15.	Possession certificate dated 05.02.2020 and the same has been handed over on	05.02.2020 (page 60 of complaint)

The counsel for the complainant is seeking DPC and the possession has already been handed over to the complainant on20.1.2020.

Arguments heard.

Undoubtedely, there is delay in handing over of the possession, DPC is allowed. The respondent is directed to pay interest at the prescribed rate of 11% p.a. for every month of delay from due date of possession i.e., 09.03.2019 till offer of possession (20.1.2020 plus two months or actual handover of possession(05.2.2020) whichever is earlier.
Matter stands disposed off. Detailed orders will follow.

Sanjeev Kumar Arora
Member
02.08.2024