

PROCEEDINGS OF THE DAY

44

Day and Date	Thursday and 25.04.2024
Complaint No.	CR/4693/2023 Case titled as Gaurav Sarin and Tanika Nangia VS Prompt Engineering Private Limited
Complainant	Gaurav Sarin and Tanika Nangia
Represented through	Shri Sukhbir Yadav Advocate
Respondent	Prompt Engineering Private Limited
Respondent Represented through	Ms. Shriya Takkar and Smriti Srivastava Advocates
Last date of hearing	15.02.2024
Proceeding Recorded by	Naresh Kumari and HR Mehta

Proceedings

The present complaint was filed on 11.10.2023 and the reply on behalf of respondent was received on 15.02.2024.

The succinct facts of the case are as follows:

S.no.	Particulars	Details
1.	Name of the project	"M3M Corner Walk", Sector 74, Gurugram, Haryana
2.	Nature of the project	Commercial Project
3.	Unit no.	R2-LG 025 on Lower ground in block 2 (As per annexure P3 on page 31 of complaint)
4.	Unit admeasuring area	875.58 sq. ft. of super area (As per annexure P3 on page 31 of complaint)
5.	Allotment letter	23.06.2018 (As per annexure P3 on page 31 of



HARERA
GURUGRAM

HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

CR/4693/2023

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

		complaint)
6.	Date of builder buyer agreement	08.10.2018 (As per annexure P4 on page 40 of complaint)
7.	Possession clause	7. Possession of the unit: - 7.1 Schedule for possession of the said unit: - Schedule for possession of the Unit: The promoter agrees and understands that timely delivery of possession of the unit along with the car parking space(s), if any, to the Allottee and the Common Areas to the Association of Allottees or the Competent Authority, as the case may be, as provided under the Act and Rule 2(1)(f) of the Rules, 2017, is the essence of the Agreement.
8.	Due date of possession	31.03.2025 (As per mentioned in Registration certificate)
9.	Payment plan	Time linked payment plan (As per page no. 33 of complaint)
10.	Total sale consideration	Rs.1,87,20,603/- (As per annexure P-4 on page no. 39 of complaint)
11.	Total amount paid by the complainant	Rs.1,88,99,443/- (As alleged by the complainant)
12.	Occupation certificate	31.08.2021 (As per annexure R-16 on page no. 152-154 of reply)
13.	Offer of possession	09.09.2021 (As per annexure R-17 on page no. 158-158 of reply)
14.	Pre cancellation notice	26.10.2018

An Authority constituted under section 20 the Real Estate (Regulation and Development) Act, 2016
भू-संपदा (विनियमन और विकास) अधिनियम, 2016 की धारा 20 के अंतर्गत गठित प्राधिकरण

		(As per annexure R-8 on page no. 131 of reply)
15.	Demand letter	01.06.2021 and 21.06.2021

The counsel for the complainant states that the physical possession is not being handed over to the complainant without signing of the Indemnity bond. Besides the respondent is demanding holding charges of Rs.7,15,000/-. Further states that the Possession clause 7.1 states that the promoter agrees and understands that timely delivery of possession of the unit along with the car parking space(s), if any, to the Allottee and the Common Areas to the Association of Allottees or the Competent Authority, as the case may be, as provided under the Act and Rule **2(1)(f)** of the Rules, 2017, is the essence of the Agreement, and nowhere defined the due date of possession. However, the counsel for the respondent brought to the notice of the Authority as per para (1) at page 80 of the reply clearly shows that the commitment period shall mean March 2025.

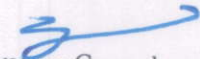
The counsel for the respondent further states that the offer of possession was made on 09.09.2021 after obtaining OC from the competent authority but the complainant is not taking the physical possession of the unit and he is not paying the stamp duty charges and registration charges as the unit is ready in all respect.

Arguments heard.

Order reserved.

Both the counsels for the parties may submit brief written submissions within a period of 15 days with an advance copy to each other.

Matter to come up on 11.07.2024 for pronouncement of order.

V.1 - 
Vijay Kumar Goyal
Member
25.04.2024