



HARERA
GURUGRAM

HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

The Chairman joined the proceedings through VC

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

PROCEEDINGS OF THE DAY		47
Day and Date	Monday and 11.07.2022	
Complaint No.	CR/4764/2021 Case titled as Arti Goyal Vs Shree Vardham Infrahomes Private Limited	
Complainant	Arti Goyal	
Represented through	Shri Ravinder Singh Advocate	
Respondent	Shree Vardham ^{Infrateights} Infrahomes Private Limited	
Respondent Represented through	Shri Gaurav Rawat Advocate	
Last date of hearing	06.04.2022	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings

The present complaint has been received on 27.12.2021 and the reply was received on 06.04.2022. Succinct facts of the case are as under: -

S. No.	Heads	Information
1.	Name and location of the project	"Shree Vardhman Victoria", village Badshapur, Sector-70, Gurugram
2.	Project area	10.9687 acres
3.	Nature of the project	Group housing colony
4.	DTCP license no. and validity status	103 of 2010 dated 30.11.2010 valid upto 29.11.2020

An Authority constituted under section 20 the Real Estate (Regulation and Development) Act, 2016
Act No. 16 of 2016 Passed by the Parliament

भू-संपदा (विनियमन और विकास) अधिनियम, 2016 की धारा 20 के अर्तगत गठित प्राधिकरण
भारत की संसद द्वारा पारित 2016 का अधिनियम संख्यांक 16



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CR/1764/2021

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5.	Name of the Licensee	Santur Infrastructures Pvt. Ltd.
6.	RERA registered/ not registered and validity status	Registered Registered vide no. 70 of 2017 dated 18.08.2017 Valid upto 31.12.2020
7.	Unit no.	302, Tower - D (Annexure- A on page no. 19 of the reply)
8.	Unit admeasuring	1950 sq. ft. (Annexure- A on page no. 19 of the reply)
9.	Date of flat buyer's agreement	30.04.2013 (Annexure- A on page no. 16 of the reply)
10.	Payment plan	Construction linked payment plan (Annexure- A on page no. 35 of the reply)
11.	Total consideration	Rs. 1,16,67,450/- (Annexure- B on page no. 37 of the reply)
12.	Total amount paid by the complainants	Rs. 67,10,425/- (Annexure- B on page no. 42 of the reply)
13.	Date of commencement of construction	07.05.2014 (As alleged by the respondent on page 6 of reply)
14.	Possession clause	14(a) The construction of the flat is likely to be completed within a period of 40 months of commencement of construction of the particular tower/ block in which the subject flat is located with a grace period of 6 months, on

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CR/4/164/2021

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		receipt of sanction of the building plans/ revised plans and all other approvals subject to force majeure including any restrains/ restrictions from any authorities, non-availability of building materials or dispute with construction agency/ workforce and circumstances beyond the control of company and subject to timely payments by the buyer(s) in the said complex. (Emphasis supplied)
15.	Due date of delivery of possession	07.03.2018
16.	Occupation certificate	Not obtained
17.	Offer of possession	Not offered
18.	Delay in handing over of possession till date of order i.e., 11.07.2022	4 years, 4 months, 3 days
19.	Grace period utilization	Grace period is allowed in the present complaint.

The complainant has sought following reliefs:

- 1. To handover the legal possession of the apartment to the complainants. Further, the respondent also be directed to give delayed possession charges @9.30 % on amount paid.**

In the present case, no OC has been obtained. Hence, no offer of possession can be made. Therefore, the respondent is directed to offer the possession of the allotted unit within 30 days after obtaining OC from the concerned authority. The complainant with regards to obligation conferred upon him under section 19(10) of Act of 2016, shall take the physical possession of the subject unit, within a period of two months of the occupancy certificate.

Considering the above-mentioned facts the authority calculated due date of possession i.e., 40 months from the date of commencement of construction i.e.,



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07.05.2014. The authority allows DPC w.e.f. 07.03.2018 till date of offer of possession or handing over of possession whichever is earlier.

Accordingly, the complainant is entitled for delayed possession charges as per the proviso of section 18(1) of the Real Estate (Regulation and Development) Act, 2016 at the prescribed rate of interest i.e., 9.30% p.a. for every month of delay on the amount paid by the complainant to the respondent from the due date of possession i.e., 07.03.2018 till date of offer of possession or date of handing over of possession whichever is earlier.

Matter stands disposed of. Detailed order shall follow. File be consigned to the registry.

Vijay Kumar Goyal
Member

Dr. KK Khandelwal
Chairman
11.07.2022