

PROCEEDINGS OF THE DAY
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Day and Date	Wednesday and 10.07.2024
Complaint No.	CR/4869/2023 Case titled as Ashish Sehgal and Uma Sehgal VS Apex Buildwell Private Limited
Complainant	Ashish Sehgal and Uma Sehgal
Represented through	Shri Sunil Kumar Advocate
Respondent	Apex Buildwell Private Limited
Respondent Represented	Shri Harshit Batra Advocate
Last date of hearing	20.03.2024
Proceeding Recorded by	Naresh Kumari and HR Mehta

Proceedings

The present complaint has been filed on **10.11.2023** and registered as complaint no. **4869 of 2023**. Reply on behalf of the respondent on **20.03.2024**.

Succinct facts as per the complaint and the reply are as follows:

Sr. No.	Particulars	Details
1.	Name of the project	"Our Homes", Sector-37-C, Gurugram.
2.	Nature of the project	Affordable group housing
3.	Area of project	10.144 acres
4.	DTCP license	Licence no.-13 of 2012 dated 22.02.2012
5.	RERA Registered	Registered vide no. 40 of 2019 dated 08.07.2019 valid upto 01.12.2019
6.	Allotment letter	Not available

7.	Builder Buyer Agreement	20.02.2013 (As on page no. 25 of complaint)
8.	Unit no.	603, Tower-Jasmine , Floor-4 (As on page no. 19 of complaint)
9.	Unit area	516.67 sq.ft.
10.	Possession clause	Clause 3 POSSESSION a. Offer of Possession: <i>That subject to terms of this Clause 3, and subject to the APARTMENT ALLOTTEE(S) having complied with all the terms and conditions of this Agreement and not being in default under any of the provisions of this Agreement and further subject to compliance with all provisions, formalities, registration of sale deed, documentation, payment of all amount due and payable to the DEVELOPER by the APARTMENT ALLOTTEE(s) under this agreement etc., as prescribed by the DEVELOPER, the DEVELOPER proposes to hand over the possession of the APARTMENT within a period of thirty (36) months, with a grace period of 6 months, from the date of commencement of construction of the Complex upon the receipt of all project related approvals including sanction of building plan/revised plan and approval of all concerned authorities including the Fire Service Department, Civil Aviation Department, traffic Department, pollution Control Department etc., as may be required for commencing, carrying on and completing the said</i>



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हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

CR/1869/2023

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

		<i>Complex subject to force majeure, restraints or restriction from any court/authorities. It is however understood between the parties that the possession of various Blocks/towers comprised in the Complex as also the various common facilities planned therein shall be ready & completed in phases and will be handed over to the allottees of different Block/Towers as and when completed and in a phased manner.</i>
11.	Date of start of construction	CTE-02.12.2013 (As per project details)
12.	Due date of possession	02.06.2018 [Calculated 4 years from the date of consent of establishment being later + 6 months grace period]
13.	Basic sale consideration	Rs. 16,00,000/-
14.	Total amount paid by the complainant	Rs. 16,00,000/-
15.	Occupation certificate	29.11.2019
16.	Offer of possession	30.11.2019 (As on page no. 19 of complaint)
17.	Unit handover	Not available
18.	Conveyance deed	Not known

The counsel for the complainant is seeking delayed possession charges under section 18 of the Act, 2016.



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The counsel for the respondent states that the complaint is barred by limitation and further, conveyance deed has already been executed between the parties and therefore, no further liabilities of the promoter subsist.

Arguments heard.

Order reserved.

Parties may file brief written submissions/citations within a period of 2 weeks with an advance copy to each other.

Matter to come up on **11.09.2024** for pronouncement of order.

Ashok Sangwan
Member
10.07.2024