



HARERA
GURUGRAM

HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

PROCEEDINGS OF THE DAY

Day and Date	Tuesday and 10.12.2019
Complaint No.	CR/490/2018 Case titled Ms. Vibha Gandhi, Vs Alpha Corp Development Private Limited
Complainant	Ms. Vibha Gandhi,
Represented through	Mr. J D Chhabra, AR of the complainant in person
Respondent	Alpha Corp Development Private Limited
Respondent Represented through	None
Last date of hearing	16.09.2019
Proceeding Recorded by	Naresh Kumari/S.L.Chanana

Proceedings

None is present on behalf of the respondent despite calling the matter twice. It seems that the respondent is not interested to contest the matter and, as such, is proceeded against ex-parte.

2. Arguments heard.

3. The complainant has sought delayed possession charges and raised following points for consideration of the Authority:

i) that the respondent has added 89 sq ft more area against the total allotted area of 1181 sq ft. whereas the respondent cannot add or reduce more than 5%(+-) of the super area. As such, respondent is directed to charge only 5% of the super area.

ii) Complainant has further raised objection with regard to car parking charges which is in the basement and is covered and as such, this plea of the complainant is not tenable.



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iii) Respondent has demanded a sum of Rs.3,00,000/- as escalation charges which is not justifiable and as such, the respondent cannot linked escalation charges with the price index. As such, this escalation charges amounting to Rs.3,00,000/- is unjustified.

Respondent has got occupation certificate on 09.10.2017 and offered the possession of the allotted unit to the complainant on 13.10.2017. As per clause 12.1 of the BBA, the respondent was duty bound to hand over the possession of the allotted unit to the complainant within a period of 36 months plus six months grace period from the date of start of ground floor slab of the particular tower in which the booking is made i.e. 06.11.2012. Thus, the due date of possession comes out to be 06.05.2016. Therefore, the complainant is entitled for delayed possession charges from 06.05.2016 to 13.10.2017 at the prescribed rate of interest i.e. 10.20% p.a.

The complainant is directed to take over the possession of the unit within a period of 30 days by making the requisite payments to the respondent failing which the respondent shall be entitled to charge holding charges.

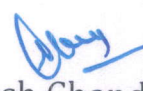
Complainant is directed to pay outstanding dues, if any, after adjustment of interest for the delayed period.

The promoter shall not charge anything from the complainant which is not part of the BBA.

Interest on the due payments from the complainant shall be charged at the prescribed rate of interest i.e. 10.20% p. a. by the promoter which is the same as is being granted to the complainant in case of delayed possession.

Complaint stands disposed of. Detailed order will follow. File be consigned to the registry.


Samir Kumar
(Member)
10.12.2019


Subhash Chander Kush
(Member)