

PROCEEDINGS OF THE DAY		44
Day and Date	Friday and 22.11.2024	
Complaint No.	CR/5109/2023 Case titled as Kapil Pal and Rita VS Pareena Infrastructures Private Limited	
Complainant	Kapil Pal and Rita	
Represented through	Shri Dushyant Yadav Advocate	
Respondent	Pareena Infrastructures Private Limited	
Respondent Represented	Shri Prashant Sheoran Advocate	
Last date of hearing	30.08.2024	
Proceeding Recorded by	Naresh Kumari and HR Mehta	
Proceedings		
The present complaint has been filed on 17.11.2023 and reply has been filed on 21.03.2024.		
S.N.	Particulars	Details
1.	Name and location of the project	"Micasa", sector-68, Gurgaon
2.	Nature of the project	Group Housing
3.	Project area	12.25085 acres
4.	DTCP license no.	111 of 2013 dated 30.12.2013 valid up to 12.08.2024 (area 10.12 acre) 92 of 2014 dated 13.08.2014 valid up to 12.08.2019 (area 0.64 acre) 94 of 2014 dated 13.04.2014 valid up to 12.08.2024 (area 2.73 acre)
5.	RERA Registered/ not registered	Registered vide no. 99 of 2017 issued on 28.08.2017 up to 30.06.2022
6.	Allotment Letter	16.07.2015 (page no. 18 of complaint)

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7.	Apartment agreement	buyer's	06.10.2015 (page no. 21 of complaint)
8.	Unit No.		603, 6 th floor, Tower 5 (page no. 28 of complaint)
9.	Unit admeasuring area		1245 sq. ft. of super area (page no. 28 of complaint)
10.	POssession clause		13. Completion of Project That the Developer shall under normal conditions, subject to force majeure, complete construction of Tower/Building in which the said Flat is to be located within <u>4 years of the start of construction or execution of agreement whichever is later</u> , as per the said plans and specifications seen and accepted by the Flat Allottee(s)
11.	Date of start of construction		26.04.2016 (as per demand letter at page no. 97 of reply)
12.	Due date of possession		26.10.2020 (calculated from the date of construction including grace period of 6 months on account of COVID-19)
13.	Basic sale consideration		Rs.83,76,030/- (as per payment plan at page no. 49 of complaint)
14.	Total amount paid by the complainants		Rs.42,95,869/- (as per cancellation letter at page no. 94 of reply)
15.	Demand Letters and Reminders		06.04.2016, 02.06.2016(reminder), 04.07.2016 (reminder), 03.09.2016 (reminder), 02.02.2017, 02.06.2017(reminder), 17.07.2017, 31.01.2018(reminder), 19.04.2018(reminder), 09.01.2019 (reminder), 14.05.2019 (reminder), 18.07.2019 (reminder), 05.09.2019(reminder)

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		10.09.2020 (final opportunity)
16.	Pre cancellation letter	13.09.2022 (page no. 134 of reply)
17.	Cancellation Letter	07.10.2023 (page no. 94 of reply)
18.	Occupation certificate	03.06.2024 For tower 4-5 (as per DTCP website)

Reliefs Sought:

1. Direct the respondent to pay the delay penalty for the delay in possession till the offer of possession of the unit with prevailing interest as per the provisions of the RERA Act.
2. Direct the respondent to provide habitual possession of the said unit to the complainants.
3. Direct the respondent to pay interest on loan amount.
4. Direct the respondent to pay RS. 55,000/- as litigation charges.

Part arguments heard.

Both the parties may file written submissions within 3 weeks with an advance copy to each other.

Matter to come up on 28.02.2025 for final arguments/orders.

V. J. - 3
Vijay Kumar Goyal
Member
22.11.2024