



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 06.10.2020
Complaint No.	CR/5116/2019 Case titled as Nand Lal Agarwal V/S JMD Limited
Complainant	Nand Lal Agarwal
Represented through	Shri Harshit Batra Advocate
Respondent	JMD Limited
Respondent Represented	S/Shri Ajit Singh Thakur, K.B.Thakur and Rajiv Ranjan, Advocates, (vakalatnama filed by Shri Ajit Singh Advocate)
Last date of hearing	19.08.2020
Proceeding Recorded by	Naresh Kumari

Proceedings

Arguments heard.

This matter relates to "JMD Empire" commercial project in Sector 62, Gurugram developed in an area of 2.63775 acres. The project is registered vide registration No.67 of 2017 which was valid upto 31.12.2019. In the occupation certificate, the area of commercial site has been shown to be 2.8625 acres. This discrepancy is not understandable. Planning branch may look into the registration papers and result of scrutiny be put up before the authority. The complaint relates to unit No.GF-96, Ground Floor admeasuring 559 square feet. The BBA was executed interse the parties on 5.4.2010. The possession of the said premises was proposed to be delivered by the promoter to the allottee within 3 years from the date of revised building plans from the competent authority with further grace period of 6 months. The due date of possession comes out to be 30.09.2013. The plea taken by the promoter that they have applied for occupation certificate in the year 2015 is untenable as incomplete application is no application in the eyes of law. The

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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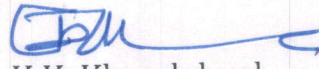
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Director Haryana Fire Service, Panchkula has granted NOC for occupation of the above said building on 24.5.2017. The allottee is entitled for delayed possession charges from the due date of possession upto the date of actual possession. As the complainant has not taken possession within 2 months of offer of possession, accordingly, he shall be entitled for DPC till offer of possession. The promoter is duty bound to execute conveyance deed within a period of 3 months from the date of issue of occupancy certificate as per section 17 (1) of the Act ibid. The promoter is directed to do the needful within one month. If there are any maintenance charges from the date of offer of possession, the same are declared invalid.

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


Samir Kumar
(Member)


Dr. K.K. Khandelwal
(Chairman)
06.10.2020


Subhash Chander Kush
(Member)