



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		39
Day and Date	Friday and 24.03.2023	
Complaint No.	CR/5197/2021 Case titled as Amit Seth & Rashmi Seth Vs BPTP Limited	
Complainant	Amit Seth & Rashmi Seth	
Represented through	Shri Gulab Singh Jarodia Advocate	
Respondent	BPTP Limited	
Respondent Represented	Shri Harshit Batra Advocate (POA filed today)	
Last date of hearing	15.11.2022	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings

The present complaint has been received on 11.01.2022 and the reply was received on 01.04.2022.

Succinct facts of the case as per complaint and reply are as under:

S.N.	Particulars	Details
1.	Name of the project	"Terra", Sector- 37-D, Gurugram
2.	Nature of project	Group Housing Towers
3.	RERA registered/not registered	Registered 299 of 2017 dated 13.10.2017
4.	DTPC License no.	83 of 2008 dated 05.04.2008 94 of 2011 dated 24.10.2011
	Validity status	04.04.2025 23.10.2019



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हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम
21/09/2021

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

	Name of licensee	SUPER BELTS PVT. LTD and 3 others	COUNTRYWIDE PROMOTERS PVT LTD and 6 others
	Licensed area	23.18 acres	19.74
5.	Unit no.	T-21-1402, Tower 21 [As per page no. 62 of reply]	
6.	Unit measuring	1691 sq. ft. [As per page no. 62 of reply]	
7.	Date of execution of Flat buyer's agreement	07.01.2013 (As per page no. 56 of reply)	
8.	Date of building plan	21.09.2012	
9.	Possession clause	5. Possession 5.1 The Seller/Confirming Party proposes to offer possession of the Unit to the Purchaser(s) within e Commitment Period. The Seller/Confirming Party shall be additionally entitled to a Grace Period of 10 days after the expiry of the said Commitment Period for making offer of possession of the said Unit. 1.6 "Commitment Period" shall mean, subject to, Force Majeure circumstances; intervention of statutory authorities and Purchaser(s) having timely complied with all its obligations, formalities or documentation, as prescribed/requested by Seller/Confirming Party, under this Agreement and not being in default under any part of this Agreement,	



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CR 517/2021

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

		including but not limited to the timely payment of instalments of the sale consideration as per the payment plan opted, Development Charges (DC). Stamp duty and other charges, the Seller/Confirming Party shall offer the possession of the Unit to the Purchaser(s) within a period of 42 months from the date of sanction of the building plan or execution of Flat Buyer's Agreement, whichever is later.
10.	Due date of possession	07.07.2016 (calculated from the date of execution of buyers agreement)
11.	Basic Sale Price	Rs. 88,77,750/- [as per page no. 63 of reply]
12.	Total amount paid by the complainant	Rs. 1,05,22,019/- (as per page no. 114 of reply)
13.	Occupation certificate	09.12.2021
14.	Offer of possession	11.12.2021 (as per page no. 112 of reply)
15.	Grace period	In the present case, the promoter is seeking a grace period of 180 days for finishing work and filing and pursuing the occupancy certificate etc. from DTCP. As a matter of fact, from the perusal of occupation certificate dated 09.12.2021 it is implied that the promoter applied for occupation certificate on 28.06.2019 which is later than 180 days from the due date of



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New PWD Rest House, Civil Lines, Gurugram, Haryana

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

possession i.e., 07.07.2016. The clause clearly implies that the grace period is asked for filing and pursuing occupation certificate, therefore as the promoter applied for the occupation certificate much later than the statutory period of 180 days, he does not fulfil the criteria for grant of the grace period. Therefore, the grace period is not allowed, and the due date of possession comes out to be 07.07.2016

1. Direct the respondent to deliver immediate possession of the flat in a habitable condition along with prescribed rate of interest.

After considering the above-mentioned facts, the authority has calculated the due date of possession according to clause 5.1 read with clause 1.6 of the flat buyer's agreement i.e., 42 months (excluding a grace period of 180 days) from the date of sanction of the building plan or execution of flat buyers' agreement, whichever is later. The due date is calculated from the execution of the agreement as being later, which comes out to be 07.07.2016, a grace period of 180 days is not allowed for the above-mentioned reason. The allottees intends to continue with the project and seeks delay possession charges on account of delay on part of the respondent in handing over of possession.

The authority hereby allows delayed possession charges alongwith prescribed rate of interest i.e. 10.70% per annum w.e.f. 07 .07.2016 till offer of possession i.e. 11.12.2021 plus two months i.e. 11.02.2022 as per the provisions of section 18 of the Act. The complainant is directed to take possession after making outstanding amount within one month.

2. Cost of litigation

The above said relief comes under sections 12, 14, 18 and section 19 of the Act, the complainants may file a separate complaint before Adjudicating Officer under section 31 read with section 71 of the Act and rule 29 of the rules.



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24/3/2023

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

Matter stands disposed off. Detailed order will follow. File be consigned to the registry.


Sanjeev Kumar Arora
Member
24.03.2023