



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

44

Day and Date	Tuesday and 28.01.2025
Complaint No.	CR/5326/2023 Case titled as Nitesh Jain VS Ocean Seven Buildtech Private Limited
Complainant	Nitesh Jain
Represented through	Shri Rajiv Dewan Advocate
Respondent	Ocean Seven Buildtech Private Limited
Respondent Represented through	Shri Arun Yadav Advocate
Last date of hearing	30.10.2024
Proceeding Recorded by	Naresh Kumari and HR Mehta

Proceedings

The present complaint was filed on 06.12.2023 and reply on behalf of respondent was received on 24.04.2024. The complainant has also filed the replication of the reply on 29.08.2024.

Succinct facts of the case are as under:

S. N.	Particulars	Details
1.	Name of the project	"Expressway Towers", Sector 109, Gurugram
2.	Project area	7.5 Acres
3.	Nature of the project	Affordable Housing project
4.	DTCP license no.	06 of 2016 dated 16.06.2016
	License valid till	15.06.2021
	Licensed area	7.5 acres
	License holder	Sh. Shree Bhagwan C/o M/s Ocean Seven Buildtech Pvt. Ltd.
5.	RERA Registered/ not registered	Registered vide no. 301 of 2017 dated 13.10.2017
	HRERA registration valid up	12.04.2022



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

	to	(Including 6 months COVID extension)
6.	Allotment Letter	20.05.2017 (Page 38 of complaint)
7.	Unit no.	103, 1st Floor, Tower 3 (Page 45 of complaint)
8.	Unit area admeasuring	645 sq. ft. (carpet area), 99 sq. ft. (balcony area) (Page 45 of complaint)
9.	Date of execution of Apartment Agreement Buyer's	10.06.2017 (Page 40 of complaint)
10.	Possession clause as per buyer's agreement	5.2 Possession Time <i>The Company shall sincerely endeavor to complete the construction and offer the possession of the said unit within five years from the date of the receiving of license ("Commitment Period"), but subject to force majeure clause of this Agreement and timely payment of installments by the Allottee(s). However in case the Company completes the construction prior to the period of 5 years the Allottee shall not raise any objection in taking the possession after payment of remaining sale price and other charges stipulated in the Agreement to Sell. The Company on obtaining certificate for occupation and use by the Competent Authorities shall hand over the said unit to the Allottee for his/her/their occupation and use, subject to the Allottee having complied with all the terms and conditions of the said Policy and Agreement to Sell and payments made as per Payment Plan."</i>
11.	Possession clause in Affordable Housing Policy	1 (iv) All such projects shall be required to be necessarily completed within 4 years from the date of approval of building plans or grant of environmental clearance , whichever is later. This date shall be referred to as the "date of commencement



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CR/5326/2023

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		of project" for the purpose of the policy.
12.	Date of environmental clearance	30.11.2017 (as per information obtained from the planning branch)
13.	Date of approval of building plans	26.09.2016 (As per project details)
14.	Due date of possession	30.05.2022 (Calculated as 4 years from the date of grant of environmental clearance i.e., 30.11.2017 as per policy of 2013 + 6 months as per HARERA notification no. 9/3-2020 dated 26.05.2020 for the projects having completion date on or after 25.03.2020)
15.	Total sale consideration	Rs.26,29,500/- (As per clause 4.1 of BBA at page 45 of complaint)
16.	Amount paid by the complainant	Rs.26,81,473/- (As per page 78 of complaint)
17.	Occupation certificate /Completion certificate	Not obtained
18.	Offer of possession	Not offered

The counsel for the complainant states that the complainant has booked the unit in the year 2017 in the project of the respondent company. Till date only 60% project has been developed by the respondent/promoter after making the payment of more than 80-90% of the total sale consideration. The counsel for the complainant further states that the complainant has availed the bank loan and pay EMI's per month. Now, the complainant is seeking direction to restrain the respondent from terminating the unit till the final disposal of the present complaint, grant of delayed possession charges along with possession alongwith other reliefs.

Further states that keeping in mind the current status of the project, it is prayed that this Authority may take steps/action under section 8 of the Act of 2016, for completing the project and if required necessary steps to be taken to seize control the project and finishing the same either directly or through another origination.

The counsel for the respondent states that EC was obtained by the



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respondent on 30.11.2017 and CT was granted in February, 2018 and a per Consent to Establish, the due date of possession comes out to be in August, 2022 after grant of grace period of 6 months due to COVID-19. Further states that the license of the respondent has been terminated by the DTCP on the request of the RWA in which the complainant was also a party and there is no fault of the respondent to complete the project. Hence the period of termination of license may be treated as Zero period while calculating the delayed possession charges.

Arguments heard.

Order reserved.

Parties may file brief written submissions within a period of 3 weeks with an advance copy to each other.

Matter to come up on 15.04.2025 for pronouncement of order.

Ashok Sangwan
Member

Arun Kumar
Chairman
28.01.2025

Vijay Kumar Goyal
Member