

PROCEEDINGS OF THE DAY		54
Day and Date	Tuesday and 28.01.2025	
Complaint No.	CR/5336/2023 Case titled as Ritu Singh Khokher VS Ocean Seven Buildtech Private Limited	
Complainant	Ritu Singh Khokher	
Represented through	Shri Rajiv Dewan Advocate	
Respondent	Ocean Seven Buildtech Private Limited	
Respondent Represented through	Shri Arun Yadav Advocate	
Last date of hearing	22.10.2024	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings

The present complaint was filed on 08.12.2023 and the reply was received from respondent on 05.08.2024.

The succinct facts of the case are as under:

Sr. No.	Particulars	Details
1.	Name of the project	Expressway Towers, Sector 109, Gurugram, Haryana.
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.	HRERA registered/ not registered	Registered vide no. 301 of 2017 dated 13.10.2017
	HRERA registration valid up to	12.04.2022 (Including 6 months COVID extension)
6.	Building plan approval dated	26.09.2016
7.	Environment clearance	30.11.2017



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हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

	dated	
8.	Allotment letter	20.05.2017 (Page 41 of complaint)
9.	Unit no.	4, in Tower 6, type- 2 BHK (Page 41 of complaint)
10.	Unit admeasuring	644 sq. ft. of carpet area along with 100 sq. ft. of balcony area [Page 41 of the complaint]
11.	Builder buyer agreement	Not annexed
12.	Possession clause as per Affordable Housing Policy, 2013	1(IV) of the Affordable Housing Policy, 2013 <i>All such projects shall be required to be necessarily completed within 4 years from the approval of building plans or grant of environmental clearance, whichever is later. This date shall be referred to as the "date of commencement of project" for the purpose of this policy. The licenses shall not be renewed beyond the said 4 years period from the date of commencement of project.</i>
13.	Due date of possession	30.05.2022 (calculated from the date of environment clearance dated 30.11.2017 being later + 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)
14.	Total consideration	Rs.26,26,000/- [As per price list at page no. 53 of complaint]
15.	Amount paid by the complainant	Rs.24,14,630/- (As per ledger account at page 73 of complaint)
16.	Occupation certificate	Not obtained
17.	Offer of possession	Not offered
18.	Home loan sanction letter	11.08.2017 (Page 83 of complaint)
19.	Tripartite agreement	01.09.2017 (Page no. 76 and 77 of complaint)

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



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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 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