

PROCEEDINGS OF THE DAY
27

Day and Date	Wednesday and 04.09.2024
Complaint No.	CR/5372/2023 Case titled as Sharmila VS Perfect Buildwell Private Limited
Complainant	Sharmila
Represented through	Shri Bhuwan Chandra Advocate
Respondent	Perfect Buildwell Private Limited
Respondent Represented	Shri Rahul Singh Advocate
Last date of hearing	29.05.2024
Proceeding Recorded by	Naresh Kumari and HR Mehta

Proceedings

The present complaint has been received on 21.11.2023 and the reply was received on 28.02.2024.

Succinct facts of the case are as under:

S.N.	Particulars	Details
1.	Name of the project	Zara Aavaas, Sector 104, Dwarka Expressway, Gurugram.
2.	Nature of project	Affordable Group Housing Colony
3.	Project area	5 acres
4.	DTCP license no.	12 of 2014 dated 10.06.2014 valid up to 09.12.2019
5.	Name of licensee	Perfect Buildwell Pvt. Ltd. & 1other
6.	RERA Registered/ not registered	Registered Reg. no. 152 of 2017 issued on 28.08.2017 valid up to 31.12.2019
7.	Allotment letter	24.10.2015 (page 52 of complaint)
8.	Apartment no.	3017, 1 st floor, tower 3 admeasuring 569 sq.ft. carpet area and 89 sq. ft. balcony area



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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

		(page 18 of complaint)
9.	Date of builder buyer agreement	01.12.2015 (page 16A of complaint)
10.	Date of building plan approval	08.12.2014 (page 17 of complaint)
11.	Date of environmental clearance	09.03.2015 (page 14 of reply)
12.	Possession clause	3. Possession 3.1 "Unless a longer period is permitted by the DGTCP or in the policy and subject to the force majeure circumstances as stated in clause 16 hereof, intervention of statutory authorities, receipt of occupation certificate and timely compliance by the Apartment Buyer(s) of all his/her/their obligations, formalities and documentation as prescribed by the Developer from time to time and not being in default under any part of this Agreement, including but not limited to timely payment of installments of the total cost and other charges as per the payment plan, stamp duty and registration charges, the Developer proposes to offer possession of the Said Apartment to the Apartment Buyer(s) within 4(four) years from the date of approval of building plans or grant of environment clearance, whichever is later. " (Emphasis supplied)
13.	Due date of possession	09.03.2019 (calculated from the date of environmental clearance)
14.	Total sale consideration	Rs.23,20,500/- (as per BBA on page 20 of complaint)
15.	Paid up amount	Rs.24,36,525/- [As per CRA on page 6 of complaint]
16.	Occupation certificate	04.12.2019 (page 25 of reply)
17.	Offer of possession	17.02.2020

An Authority constituted under section 20 the Real Estate (Regulation and Development) Act, 2016

भू-संपदा (विनियमन और विकास) अधिनियम, 2016 की धारा 20 के अंतर्गत गठित प्राधिकरण



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		(page 28 of reply)
18.	Possession certificate	19.02.2020 (page 57 of complaint)
19.	Conveyance deed	21.09.2021 (page 71 of complaint)

The due date for offer of possession in the project was 09.03.2019 and the offer of possession was made by the respondent on 17.02.2020 as admitted by both the parties.

The counsel for the respondent wishes to file written arguments which he may do within a period of 2 weeks with an advance copy to the complainant.

Arguments heard.

Order reserved.

Matter to come up on **09.10.2024** for pronouncement of order.

Ashok Sangwan
Member
04.09.2024