



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		76
Day and Date	Friday and 02.08.2024	
Complaint No.	CR/5409/2022 Case titled as Ankit Mathews and Mrs. Chumsan Choki Bhutia VS Emaar MGF Land Ltd	
Complainant	Ankit Mathews and Mrs. Chumsan Choki Bhutia	
Represented through	Shri Jagdeep Kumar Advocate	
Respondent	Emaar MGF Land Ltd	
Respondent Represented	Shri Ishaan Dang Advocate	
Last date of hearing	12.07.2024	
Proceeding Recorded by	Naresh Kumari and HR Mehta	
Proceedings		
The present complaint has been received on 09.08.2022 and the reply was received on 17.10.2022.		
Succinct facts of the case as per complaint and reply are as under:		
Sr. No.	Particulars	Details
1.	Name of the project	Gurgaon Greens, Sector 102, Gurugram, Haryana
2.	Project area	13.531 acres
3.	Nature of the project	Group housing colony
4.	DTCP license no.	75 of 2012 dated 31.07.2012
	Valid till	30.07.2020
	Name of licensee	Kamdhenu Projects Pvt. Ltd. and another C/o Emaar MGF Land Ltd.



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5.	HRERA registered/ not registered	Registered vide no. 36(a) of 2017 dated 05.12.2017 for 95829.92 sq. mtrs.
	HRERA registration valid up to	31.12.2018
	HRERA extension of registration vide	01 of 2019 dated 02.08.2019
	Extension valid up to	31.12.2019
6.	Unit no.	GGN-07-1202, 12 th floor, tower no. 07 [annexure P4, page 54 of complaint]
7.	Unit measuring (super area)	1650 sq. ft.
8.	Provisional allotment letter dated	23.11.2018 [annexure P3, page 39 of complaint]
9.	Date of execution of buyer's agreement	07.12.2018 [annexure P4, page 46 of complaint]
10.	Possession clause	7. POSSESSION AND SALE DEED <i>(a) Within 60 (sixty) days from the date of issuance of Occupation Certificate by the concerned Authorities, the Company shall offer the possession of the Unit to the Allottee. Subject to Force Majeure and fulfillment by the Allottee of all the terms and conditions of this Agreement including but not limited to timely payment by the Allottee of the Total Price payable in accordance with Payment Plan, Annexure-III, along with stamp duty, registration and incidental charges and other charges in connection thereto due and payable by the Allottee and also subject to the Allottee having complied with all formalities or documentation as prescribed by the Company, <u>the Company shall offer the possession of the Unit to the Allottee on or before 31-12-2018 or such time as may be extended by the competent authority.</u></i> (Emphasis supplied)



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		[annexure P4, page 62 of complaint]
11.	Due date of possession	31.12.2018
12.	Total consideration as per statement of account dated 11.06.2021 at page 101 of complaint	Rs.1,14,70964/-
13.	Total amount paid by the complainants as per statement of account dated 11.06.2021 at page 102 of complaint	Rs.1,14,70965/-
14.	Occupation certificate	05.12.2018 [annexure R9, page 111 of reply]
15.	Offer of possession	24.05.2019 [annexure R10, page 115 of reply]
16.	Unit handover letter dated	06.07.2019 [annexure R11, page 120 of reply]
17.	Conveyance deed executed on	23.06.2021 [annexure R12, page 126 of reply]

The counsel for the complainants is seeking delayed possession charges. However, the counsel for the respondent stated that since the CD had already been executed in this case, the issue of PLC does not arise, as per decisions in various cases copy of which have been placed on record. The counsel for the complainant submitted that they are entitled for refund of PLC charges as per Section 11 (4) (a) & (b) and Section 14 (3) of the Act.

Arguments heard.

Order reserved.

Matter to come up on 09.08.2024 for pronouncement of order.

Sanjeev Kumar Arora

Member

02.08.2024