



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. विभाग गृह, सिविल लाईन्स, गुरुग्राम, हरियाणा

PROCEEDINGS OF THE DAY

27

Day and Date	Friday and 20.09.2024
Complaint No.	CR/5416/2023 Case titled as Anmol Mongia and Sunita Mongia VS Ocean Seven Buildtech Private Limited
Complainant	Anmol Mongia and Sunita Mongia
Represented through	Shri BL. Jangra Advocate
Respondent	Ocean Seven Buildtech Private Limited
Respondent Represented	Ms. Urvashi proxy counsel
Last date of hearing	05.07.2024
Proceeding Recorded by	Naresh Kumari and HR Mehta

Proceedings

The present complaint was filed on 13.12.2023 and reply was received on 05.07.2024.

The succinct facts of the case are as follows:

S.No.	Particulars	Details
1.	Name and location of the project	"Expressway Towers" at sector-109, Gurugram
2.	Nature of the project	Affordable group housing
3.	Project area	7.5 acres
4.	DTCP license no.	6 of 2016 dated 05.09.2019 valid up to 04.09.2024
5.	RERA Registered/ not registered	Registered vide no. 301 of 2017 dated 13.10.2017 valid up to 12.10.2021
6.	Sanction Letter	28.06.2017 (At page 73 of complaint)
7.	Unit no.	003, Ground floor & Tower-8



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		(As per page no.36 of the complaint)
8.	Unit area admeasuring	307sq. ft. (Carpet area) & 69 sq. ft. (balcony area) (As per page no. 36 of the complaint)
9.	Date of allotment	01.04.2017 (As per page no. 31 of the complaint)
10.	Date of buyer's agreement	23.05.2017 (As per page no. 34 of the complaint)
11.	Payment plan	Time linked payment plan (Page 68 of the complaint)
12.	Possession clause	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).....</i> (As per page no. 43 of the complaint)
13.	Possession clause in Affordable Housing Policy	1 (iv) <i>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 of project" for the purpose of the policy.</i>
14.	Date of environment clearance	30.11.2017 (Taken from the similar project of a similar complaint)
15.	Date of approval of building plans	26.09.2016 (Taken from the similar project of a



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		similar complaint)
16.	Due date of possession	30.05.2022 (Calculated as 4 years from 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)
17.	Total sale consideration	Rs.12,62,500/- (As per page no. 8 of the complaint)
18.	Amount paid by the complainant	Rs.13,16,156/- (As per ledger account on page no. 76
19.	Occupation certificate	Not obtained
20.	Offer of possession	Not offered

The counsel for the complainant is seeking payment of delayed possession charges and handing over of possession on account of delay by the respondent in handing over the unit allotted to the complainant in terms of the BBA dated 23.05.2017. Due date for handing over of possession was 30.5.2022.

Proxy counsel for the respondent states that the arguing counsel is not available today and seeks short adjournment. This is the third hearing in the matter and the case is pending for more than 8 months.

In view of the above, there is no justification in delaying the matter any further. The parties may file written arguments within a period of two weeks with an advance copy to each other.

Order reserved.

Matter to come up on 18.10.2024 for pronouncement of orders.

Ashok Sangwan
Member
20.09.2024