



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		77
Day and Date	Friday and 02.08.2024	
Complaint No.	CR/5458/2022 Case titled as Amit Bhatnagar and Bhawani Bhatnagar VS Emaar MGF Land Ltd	
Complainant	Amit Bhatnagar and Bhawani Bhatnagar	
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 12.08.2022 and the reply was received on 27.10.2022.

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.
5.	HRERA registered/ not registered	Registered vide no. 36(a) of 2017 dated 05.12.2017 for 95829.92 sq.



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		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-12-0302, 3 rd floor, tower no. 12 [annexure P1, page 28 of complaint]
7.	Unit measuring (super area)	1650 sq. ft.
8.	Provisional allotment letter dated	25.01.2013 [annexure R1, page 29 of reply]
9.	Date of execution of buyer's agreement	28.03.2013 [annexure P1, page 25 of complaint]
10.	Possession clause	14. POSSESSION (a) Time of handing over the Possession <i>Subject to terms of this clause and barring force majeure conditions, subject to the Allottee having complied with all the terms and conditions of this Agreement, and not being in default under any of the provisions of this Agreement and compliance with all provisions, formalities, documentation etc., as prescribed by the Company, the Company proposes to hand over the possession of the Unit within 36 (Thirty Six) months from the date of start of construction, subject to timely compliance of the provisions of the Agreement by the Allottee. The Allottee agrees and understands that the Company shall be entitled to a grace period of 5 (five) months, for applying and obtaining the completion certificate/occupation certificate in respect of the Unit and/or the Project.</i>



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		(Emphasis supplied) [annexure P1, page 41 of complaint]
11.	Date of start of construction as per statement of account dated 26.07.2022 at page 90 of complaint	14.06.2013
12.	Due date of possession	14.06.2016 [Note: Grace period is not included]
13.	The nomination letter was issued in favor of the complainants on	16.05.2013 [annexure P3, page 83 of complaint]
14.	Total consideration as per statement of account dated 26.07.2022 at page 90 of complaint	Rs.96,12,927/-
15.	Total amount paid by the complainants as per statement of account dated 26.07.2022 at page 91 of complaint	Rs.96,14,108/-
16.	Occupation certificate	30.05.2019 [annexure R8, page 136 of reply]
17.	Offer of possession	01.06.2019 [annexure R9, page 139 of reply]
18.	Unit handover letter dated	14.08.2019 [annexure R10, page 144 of reply]
19.	Conveyance deed executed on	28.08.2019 [annexure R11, page 149 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.



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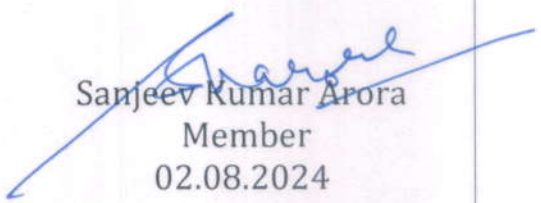
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Arguments heard.

Order reserved.

Matter to come up on 09.08.2024 for pronouncement of order.


Sanjeev Kumar Arora

Member

02.08.2024