



PROCEEDINGS OF THE DAY		19
Day and Date	Tuesday and 20.02.2024	
Complaint No.	CR/547/2022 Case titled as Romi Sehgal VS Experion Developers Private Limited	
Complainant	Romi Sehgal	
Represented through	Shri Geetansh Nagpal, Advocate	
Respondent	Experion Developers Private Limited	
Respondent Represented	S/Shri Venkat Rao and Gunjan, Advocate	
Last date of hearing	21.11.2023	
Proceeding Recorded by	Naresh Kumari and HR Mehta	
Proceedings		
The present complaint was received on 17.02.2022 and the reply on behalf of respondent was filed on 11.04.2022.		
On the last date of hearing i.e 21.11.2023 the counsel for the complainant stated that the complainant does not wish to press for any other relief than delayed possession charges. The counsel for the respondent stated that the complaint is barred by limitation as the conveyance deed was executed on 05.02.2019 and the complaint has been filed on 17.02.2022 more than 3 years late.		
The counsel for the complainant stated that the limitation has not expired as is covered under the judgement of Hon'ble Supreme Court which had given relaxation of 2 years on account of limitation.		
Both the parties were directed to file written submissions but only respondent has filed it on 09.02.2024.		
Succinct facts of the case as per complaint and annexures are as under:		
S. N.	Particulars	Details



HARERA
GURUGRAM

HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

CR/547/2022

New PWD Rest House, Civil Lines, Gurugram, Haryana

नया पी. डब्ल्यू. डी. विभाग गृह, सिविल लाईन्स, गुरुग्राम, हरियाणा

1.	Name of the project	"Windchants" Sector- 112, Gurugram		
2.	Nature of project	Group housing project		
3.	RERA registered/not registered	64 of 2017 dated 18.08.2017	73 of 2017 dated 21.08.2017	112 of 2017 dated 28.08.2017
	Validity status	17.08.2018	20.08.2019	27.08.2019
4.	DTPC License no.	21 of 2008 dated 08.02.2008	28 of 2012 dated 07.04.2012	
	Validity status	07.02.2020	06.04.2025	
	Name of licensee	Gold Developers and 2 others	KNS Nirman	
	Licensed area	13.369 acres	1.881 acres	
5.	Building plan approved	07.06.2012 (As alleged by the respondent in its reply at page no. 3 of the reply)		
6.	Environment clearance	27.12.2012 (As alleged by the respondent in its reply at page no. 3 of the reply)		
7.	Provisional allotment letter in favour of RN Yadav	28.07.2012 (Page no. 32 of the complainant)		
8.	Date of execution of builder buyer's agreement in favour of Mr. Deepak Sehgal	26.12.2012 (Page No. 42 of the complaint)		
9.	Date of endorsement Mr. Deepak Sehgal to Ms. Romi Sehgal	23.08.2017 (Page No. 39 of the complaint)		



HARERA
GURUGRAM

HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा भू-संपदा विनियमक प्राधिकरण, गुरुग्राम

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

10.	Date of execution of Tripartite agreement	11.09.2017 (Page No. 92 of the complaint)
11.	Unit no.	WT-05/1201, in tower- WT-05 [As per allotment letter at page 32 of complaint]
12.	Unit area admeasuring	3575 sq. ft. [As per allotment letter at page 32 of complaint]
13.	Revised area	3685 sq. ft. [As per final statement of account annexed with offer of possession at page 97 of complaint]
14.	Possession clause	10. PROJECT COMPLETION PERIOD 10.1 Subject to Force Majure, timely payment of the Total Sale consideration, and other provisions of this agreement, based upon the company's estimates as per present Project plans, the Company intends to hand over possession of the Apartment within a period of 42 (forty two) months from the date of approval of the Building Plans or the date of receipt of the approval of the Ministry of Environment and Forests, Government of India for the Project or execution of this Agreement, whichever is later ("Commitment Period"). The Buyer further agrees that the Company shall additionally be entitled to a time period of 180 (one hundred and eighty) days ("Grace Period") after expiry of the Commitment Period for unforeseen and unplanned Project realities.



HARERA
GURUGRAM

HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

CR 597/2022

New PWD Rest House, Civil Lines, Gurugram, Haryana

नया पी. डब्ल्यू. डी. विभाग गृह, सिविल लाईन, गुरुग्राम, हरियाणा

15.	Due date of possession	27.12.2016 (Calculated from the date of EC being later i.e., 27.12.2012) Note: - Grace period of 180 days is allowed
16.	Total sale consideration	Rs.2,50,43,526/- [As per customer ledger dated 31.03.2022 at page no. 171 of the reply]
17.	Amount paid by the complainant as per customer ledger dated 31.03.2022 at page no. 171 of the reply	Rs.2,44,35,052/-
18.	Occupation certificate	24.12.2018 (Page no. 176 of the reply)
19.	Offer of possession	27.12.2018 (Page No. 96 of the complaint)
20.	Conveyance deed	05.02.2019 (Page no. 119 of the complainant)
21.	Possession letter	05.02.2019 (Page no. 90 of the reply)

The counsel for the complainant has placed on record the written submissions. The counsel for the respondent shall be filing the written submissions within two weeks alongwith relevant citations . The counsel for the respondent further requests that the DPC if to be allowed by the authority may be counted from the date on which the BBA has been endorsed in favour of the



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. हा. विभाग गृह, सिविल लाईन्स, गुरुग्राम, हरियाणा

complainant allottee i.e. 23.8.2017 as per the view taken by the Hon'ble Apex Court in Wg. Comm. Arifur Rehman in CA No. 6239 of 2022.

Arguments heard.

Order reserved.

Matter to come up on 23.04.2024 for pronouncement of orders.

Ashok Sangwan
Member

V. I. - 3
Vijay Kumar Goyal
Member


Arun Kumar
Chairman
20.02.2024