

PROCEEDINGS OF THE DAY		29
Day and Date	Tuesday and 21.11.2023	
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 through	S/Shri Venket Rao, Sarthak Shukla, Pankaj Chandola and Gunjan Kumar Advocates with Ms. Savita Vasistha Legal Officer	
Last date of hearing	14.09.2023	
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.

Succinct facts of the case as per complaint and annexures are as under:

S. N.	Particulars	Details
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



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हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

CR No. 547/2022

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

	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)		
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]		

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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New PWD Rest House, Civil Lines, Gurugram, Haryana

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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.
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

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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 states that the complainant does not wish to press for any other relief than delayed possession charges.

The counsel for the respondent states that the complaint is barred by limitation as the conveyance deed and possession were completed on 05.02.2019 and the complaint has been filed on 08.02.2022/17.02.2022 which is more than 3 years late.

The counsel for the complainant rebuts the same and states that the limitation has not expired as his case is covered under the judgment of Hon'ble Supreme Court of India which had given a relaxation of 2 years on account of limitation expiring during the Covid period.



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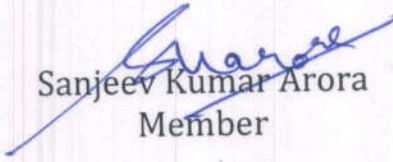
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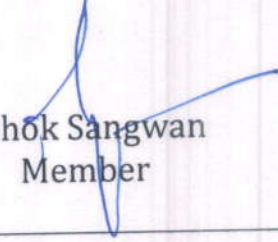
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Both the counsels for the parties are directed to submit written submissions within a period of 15 days with an advance copy to each other.

Matter to come up on 20.02.2024 for further proceedings.


Sanjeev Kumar Arora
Member


Ashok Sangwan
Member


Vijay Kumar Goyal
Member
21.11.2023