



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

30

Day and Date	Monday and 01.08.2022
Complaint No.	CR/5544/2019 Case titled as RAJ KUMAR CHAWLA AND ANR Vs PARSVNATH HESSA DEVELOPERS PRIVATE LIMITED
Complainant	RAJ KUMAR CHAWLA AND ANR
Represented through	None
Respondent	PARSVNATH HESSA DEVELOPERS PRIVATE LIMITED
Respondent Represented through	Shri Deeptanshu Jain Advocate
Last date of hearing	07.06.2022
Proceeding Recorded by	Naresh Kumari and HR Mehta

Proceedings

The file has been received on transfer from adjudicating officer in view of the judgment dated 11.11.2021 passed by the Apex Court in case titled as ***M/s Newtech Promoters and Developers Pvt Ltd Versus State of U.P. and Ors. 2021-2022,(1) RCR © 367***, wherein it was held that when it comes to refund of the amount, and interest on the refund amount, or directing payment of interest for delayed delivery of possession, or penalty and interest thereon, it is the regulatory authority which has the power to examine and determine the outcome of such complaint.

The present complaint has been received on 05.03.2018 and the reply of the same was filed on 16.05.2018 before the authority.

Succinct facts of the case are as under:

S.N.	Particulars	Details
1.	Name and location of the project	"Parsvnath Exotica", sector-53, Gurgaon
2.	Nature of the project	Group Housing

An Authority constituted under section 20 the Real Estate (Regulation and Development) Act, 2016
Act No. 16 of 2016 Passed by the Parliament

भू-संपदा (विनियमन और विकास) अधिनियम, 2016 की धारा 20 के अंतर्गत गठित प्राधिकरण

भारत की संसद द्वारा पारित 2016 का अधिनियम संख्यांक 16



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हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

20/5-44/2019

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

3.	DTCP license no.	69 to 74 of 1996 dated 30.05.1996 valid up to 02.05.2019 (area 33.51 acre) 52 to 57 of 1997 dated 14.11.1997 valid up to 13.11.2019 (area 4.61 acre) 191 of 2007 dated 20.06.2007 valid up to 19.06.2024 (area 53.54 acre) 1079-1080 of 2006 dated 28.08.2006 valid up to 01.09.2019 (area 4.99 acre)
4.	RERA Registered/ not registered	Not registered
5.	Unit no.	403, 4 th floor, Tower B-5 [page no. 51 of complaint]
6.	Unit admeasuring area	3390 sq. ft. of super area [page no. 51 of complaint]
7.	Date of booking	13.07.2012 (as per booking amount receipt, page 72 of complaint)
8.	Allotment letter	N/A
9.	Date of builder buyer agreement	03.09.2012 [page 49 of complaint]
10.	Possession clause	<i>10 (a) Construction of the flat is likely to be completed within a period of thirty-six (36) months of commencement of construction of the particular Block. In which the flat is located or 24 months from the date of booking of the flat. Whichever is later, with a grace period of six (6) months, on receipt of sanction of building plans/revised building plans and approval of all concerned authorities including the Fire Service Deptt.,....."</i>
11.	Date of start of construction	Not Provided
12.	Due date of possession	03.09.2015 In the reply filed by the respondent, nowhere the date of commencement of construction of the block in which unit of the complainant is situated has been mentioned but during arguments, the counsel for the respondent submitted that the BBA be taken as the date of

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CR/5514/2019

New PWD Rest House, Civil Lines, Gurugram, Haryana

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		commencement of construction of this block which was agreed to by the counsel for the complainant and as such the due date of possession is 03.09.2015 .
13.	Total sale consideration	Rs.3,47,00,000/- (BSP Rs. 3,39,00,000/- + 2 covered car parking charges Rs. 8,00,000/-) [page 11 of complaint]
14.	Total amount paid by the complainant	Rs 1,56,26,537/- [as per customer ledger page 66 of complaint]
15.	Occupation certificate	Not obtained
16.	Offer of Possession (Fit-outs)	23.03.2018 (Page 52 of complaint)

The counsel for the respondent submitted that issue regarding grant of OC is pending before the Hon'ble Supreme Court of India alongwith compensation for the delay and matter is fixed on 05.08.2022.

Accordingly matter to come up on 14.09.2022 for further proceedings.

Vijay Kumar Goyal
Vijay Kumar Goyal
Member

Dr. KK Khandelwal
Dr. KK Khandelwal
Chairman
01.08.2022