



HARERA
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HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

CR 57/2022

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

8.	Date of approval of building plans	19.12.2014 [as per information obtained by the planning branch]
9.	Date of grant of environment clearance	22.01.2016 [as per information obtained by the planning branch]
10.	Unit no.	1106, 11 th floor, tower/block- 3, (Page no. 25 of the complaint)
11.	Unit measuring	495 sq. ft. (Carpet area) 97 sq. ft. (Balcony area) (Page no. 25 of the complaint)
12.	Allotment letter	29.12.2015 (Page no. 22 of the complaint)
13.	Date of execution of flat buyer's agreement	22.03.2016 (Page no. 24 of the complaint)
14.	Possession clause	3.1 Possession <i>Subject to force majeure circumstances, intervention of Statutory Authorities, receipt of occupation certificate and Allottee/Buyer having timely complied with all its obligations, formalities, or documentation, as prescribed by the Developer and not being in default under any part hereof and Flat Buyer's Agreement, including but not limited to the timely payment of installments of the other charges as per payment plan, Stamp Duty and registration charges, the Developers Proposes to offer possession of the said Flat to the Allottee/Buyer within a period of 4 (four) years from the date of approval of building plans or grant of environment clearance, (hereinafter</i>

An Authority constituted under section 20 the Real Estate (Regulation and Development) Act, 2016

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



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		referred to as the " Commencement Date "), whichever is later. The Developer also agrees to compensate the Allottee/Buyer @ Rs.5.00/- (Five rupees only) per sq. ft. of the area of the flat per month for any delay in handing over possession of the Flat beyond the given promised period plus the grace period of 6 months and upto offer letter of possession or actual physical possession whichever is earlier. (Page no. 28 of the complaint).
15.	Grace period	Not allowed
16.	Due date of possession	22.01.2020 [Note: - the due date of possession can be calculated by the 4 years from the date of environment clearance i.e., 22.01.2016]
17.	Total sale consideration	Rs.20,28,500/- (As per payment plan page no. 26 of the complaint)
18.	Total amount paid by the complainant	Rs.19,52,760/- (As per receipt information page no. 20 & 21, and 40 to 45 of the complaint)
19.	Occupation certificate	Not obtained
20.	Delay in handing over possession till the date of order i.e., 25.04.2023	3 years 3 months and 3 days

The complainant has sought following relief:

- To pass an order for delayed penalty due to delay in handing over of the possession @ 18% per annum, from the due date of possession till the date of actual possession of the unit is not handed over to the complainant, in favour of the complainant and against the respondent.**

Considering the above-mentioned facts, the due date of possession is calculated as per clause 3.1 of the flat buyer's agreement i.e., 4 years from the date of approval of

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building plans (19.12.2014) or grant of environment clearance, (22.01.2016) (hereinafter referred to as the "**Commencement Date**"), whichever is later which comes out to be 22.01.2020.

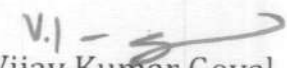
The counsel for the respondent requests for allowing 6 months grace period as per clause 3.1 of the BBA which proposes to compensate the allottee at the rate of Rs.5/- per sq. ft. per month for possession of the flat delayed beyond 6 months. However, the above extension of 6 months beyond the due date is not provided under the Affordable Group Housing Policy approved by the State Government. The counsel for the respondent further requests that relaxation of 6 months of Covid period may be granted.

The authority observes that there is no provision in relation to grace period in Affordable Group Housing Policy, 2013. As such in absence of any provision related to grace period, the said grace period of six months as sought by the respondent promoter is disallowed in the present case.

Accordingly, the complainant is entitled for delayed possession charges as per the proviso of section 18(1) of the Real Estate (Regulation and Development) Act, 2016 at the prescribed rate of interest i.e., 10.70% p.a. for every month of delay on the amount paid by the complainant to the respondent from the due date of possession i.e., 22.01.2020 till actual handing over of possession or valid offer of possession after obtaining occupation certificate, whichever is earlier, as per section 18(1) of the Act of 2016 read with rule 15 of the rules.

Complaint stand disposed of. Detailed order will follow. File consigned to the registry.


Sanjeev Kumar Arora
Member


Vijay Kumar Goyal
Member
25.04.2023