

PROCEEDINGS OF THE DAY		14
Day and Date	Wednesday and 29.05.2024	
Complaint No.	MA NO. 65/2024 in CR/5599/2022 Case titled as Arindam Kar VS Chirag Build Tech Private Limited	
Complainant	Arindam Kar	
Represented through	None	
Respondent	Chirag Build Tech Private Limited	
Respondent Represented	Shri Garvit Gupta Advocate	
Last date of hearing	24.04.2024	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings

Order not pronounced today.

The respondent/applicant filed an application dated 30.01.2024 w.r.t rectification of order dated 29.11.2023 passed by this Authority. The respondent/applicant submits in its application that the Authority has not allowed the grace period of 9 months on account of covid-19 while calculating the due date of possession.

"That as per Clause 7.1 of the Agreement, the time period to handover the possession of the unit was subject to occurrence of the force majeure conditions. The due date of handover the possession of the unit without taking into consideration the force majeure conditions i.e the Outbreak of corona virus and effects of COVID-19 pandemic, was 9th October 2021 i.e 4 years from the date of grant of environmental clearance as per the provisions of Affordable Housing Policy, 2013. The fact that the said event was a force majeure condition and was beyond the reasonable control of the developers including the respondent was acknowledged by this Hon'ble Authority wherein the completion date, revised completion date and extended completion date, revised completion date and extended completion date was automatically extended by 6 months. Thereafter on account of second wave of COVID-19 pandemic Haryana Real Estate Regulatory Authority, Panchkula by way of resolution in its meeting held on 2nd August



HARERA
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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

2021 ordered for extension of 3 months from 1st April 2021 to 30th June 2021. It was observed that the second wave of COVID 19 pandemic has adversely hit all sections of the society and it being a case of natural calamity, the authority pursuant to section 37 of the RERA act, 2016 had decided to grant the said extensions. Accordingly, as per the said extension the due date to handover possession of the unit in question stood extended to 09.07.2022 (9 months from the original due date of 09.10.2021). However, despite such unforeseeable events which impacted the implementation of the project, the respondent being a customer oriented developer offered the possession of the unit to the complainant vide its letter dated 23rd february 2022 and the same has been observed by this Hon'ble Authority in Para 2 (16) of the order dated 29.1.2023. thus, it is very safe to say that there is no delay on the part of the respondent in completing the construction of the unit and offering the possession to the complainant much before the lapse of the due date of handing over of the possession. Hence, since there was no delay, the question of payment of any interest due to the same does not even arise. Therefore, the order dated 29.11.2023 is required to be modified to such an extent to hold that the interest as calculated in the order dated 29.11.2023 should be completely set aside/waived as no such unnecessary liability can be casted upon the respondent"

[Emphasis supplied]

Matter be placed before the full bench in view of the complexity of the issue on **23.07.2024** for pronouncement of order.

Ashok Sangwan
Member
29.05.2024