

<b>PROCEEDINGS OF THE DAY</b>		<b>25</b>
Day and Date	Friday and 22.09.2023	
Complaint No.	CR/5622/2022 Case titled as Ranesh Kumar Vs Pareena Infrastructure Private Limited	
Complainant	Ranesh Kumar	
Represented through		
Respondent	Pareena Infrastructure Private Limited	
Respondent Represented through	Shri Prashant Sheoran Advocate	
Last date of hearing	28.04.2023	
Proceeding Recorded by	Naresh Kumari	

### Proceedings

The present complaint was filed on 06.09.2022 and the reply has been filed by the respondent on 01.05.2023.

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

S. No.	Heads	Description
1.	Name of the project	"Laxmi Apartments" at sector -99, Gurugram
2.	Nature of the project	Affordable Housing Policy
3.	Project area	Cannot be ascertained
4.	DTCP license no. and validity status	106 of 2014 issued on 13.08.2014 valid up to 30.05.2021.
5.	Name of the license holder	M/S Pareena Infrastructure Pvt. Ltd.
6.	RERA registration number	<b>Registered</b> vide no.25 of 2017 issued on 27.07.2017 valid up to 14.09.2020



**HARERA**  
**GURUGRAM**

**HARYANA REAL ESTATE REGULATORY AUTHORITY**  
**GURUGRAM**

हरियाणा भू-संपदा विनियमक प्राधिकरण, गुरुग्राम

CR/5627/2022

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

7.	Date of sanction of building plans	26.03.2015 [pg. 43 of complaint]
8.	Date of execution of flat buyer's agreement	31.03.2016 [pg. 42 of complaint]
9.	Date of environment clearance	15.03.2016 [pg. 28 of reply]
10.	Unit no.	203, 2 <sup>nd</sup> floor, tower T4 [pg. 43 of complaint]
11.	Unit area admeasuring	424.833 sq. ft [pg. 43 of complaint]
12.	Total consideration as per the agreement	₹ 17,49,330/- [pg. 46 of complaint]
13.	Total amount paid by the complainant	₹ 17,49,330/- [as alleged by the complainant at pg. 5 of complaint]
14.	Possession clause as per Affordable Housing Policy, 2013	1 (iv) <i>All such projects shall be required to be necessarily completed within 4 years from the date of approval of building plans or grant of environmental clearance, whichever is later. This date shall be referred to as the "date of commencement of project" for the purpose of the policy.</i>
15.	Due date of possession	15.09.2020 [Due date calculated from the date of environment clearance being later] Grace period of 6 months allowed for COVID-19
16.	Occupation certificate date	09.07.2021 [pg. 25 of reply]
17.	Offer of possession	16.07.2021 [pg. 15 of complaint]

The counsel for the complainant states that he has made full payment of the unit whereas counsel for the respondent states that as per offer of possession dated 16.07.2021 which is at page No.40 of the complaint itself states that a sum of Rs.1,87,874/- is due and payable by the complainant.


The counsel for the respondent states that the similar matter has already decided by the authority in CR No.4068/2021 on 09.12.2022. Further stated that the labour cess being charged by the respondent from the allottee is valid as is very well cleared up-held by Hon'ble Supreme Court of India in civil appeal No.6649-50 of 2018 on 23.10.2018 in which the Hon'ble Supreme Court of India, New Delhi up-held the decision of NCDRC New Delhi in Consumer case No.708 of 2017 dated 07.02.2018. Further brought attention of the authority towards the decision of Hon'ble Supreme Court of India, New Delhi in Civil appeal No.155 of 2015 decided on 17.12.2019 in which stay on the construction projects as per orders of NGT and consideration of the same or calculation of due date of possession to the allottee was allowed which is given at page No.6 of the reply which comes out 141 days, hence accordingly the due date should be further enhanced to the date after adding 141 days in the original due date. The original due date was 15.03.2020, hence, the respondent should be allowed grace period of 6 months of Covid-19 and 141 days as per decision of Hon'ble Supreme Court of India, New Delhi vide its order dated 17.12.2019.

Arguments heard.

Both the parties are directed to submit written submissions, if they to do so, within 15 days with an advance copy to each other.

Order reserved.

Matter to come up on **15.12.2023** for pronouncement of order.

  
Sanjeev Kumar Arora  
Member  
22.09.2023