



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

PROCEEDINGS OF THE DAY		79
Day and Date	Thursday and 25.07.2024	
Complaint No.	CR/5701/2023 Case titled as Sunil Kaushik VS Pivotal Infrastructure Private Limited	
Complainant	Sunil Kaushik	
Represented through	Shri Garv Malhotra Advocate	
Respondent	Pivotal Infrastructure Private Limited	
Respondent Represented	Shri Siddharth Sejwal AR	
Last date of hearing	09.05.2024	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings

The present complaint has been received on 18.12.2023 and reply on behalf of respondent was received on 09.05.2024.

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

S.No.	Particulars	Details
1.	Name and location of the project	"Ridhi Sidhi" at sector 99, Gurgaon, Haryana
2.	Nature of the project	Affordable Group housing
3.	Project area	6.19375 acres
4.	DTCP license no.	86 of 2014 dated 09.08.2014 Valid up to 08.08.2019
5.	Renewal of DTCP license	Vide Memo no. LC-3074-PA(VA)-2023/6666 dated 06.03.2023 Valid upto 30.06.2023 (page 43 of reply)
6.	RERA Registered/ not registered	Registered vide no. 236 of 2017 dated 19.09.2017 valid upto 08.08.2019



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CR 15701/2023

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7.	Registration extension vide no.	Harera/GGM/REP/RC/236/2017/ EXT/177/2019 dated 30.12.2019 Valid upto 31.08.2020
8.	Unit no.	0607, 6 th floor, Tower-T6 (As per page no. 31 of the complaint)
9.	Unit area admeasuring	487 sq. ft. (Carpet area) (As per page no. 31 of the complaint)
10.	Date of allotment	05.09.2015 (As per page no. 22 of the complaint)
11.	Date of builder buyer agreement	23.10.2015 (As per page no. 30 of the complaint)
12.	Date of building plan approval	17.10.2014 (As per page no. 19 of the reply)
13.	Environmental clearance dated	22.01.2016 (As per page no. 25 of the reply)
14.	Possession clause	8.1 EXPECTED TIME FOR HANDING OVER POSSESSION <i>"Except where any delay is caused on account of reasons expressly provided for under this Agreement and other situations beyond the reasonable control of the Company and subject to the Company having obtained the occupation/completion certificate from the competent authority(ies), the Company shall endeavour to complete the construction and handover the possession of the said Apartment within a period of 4 years from the date of grant of sanction of building plans for the Project or the date of receipt of all the environmental clearances necessary for the completion of the construction and development of the Project, whichever is later, subject to timely payment by the Allottee of all the amounts payable under this Agreement and performance by the Allottee of all other obligations hereunder."</i> (Emphasis Supplied) (As per page no. 40 of the complaint)
15.	Due date of possession	22.01.2020 [Due date of possession calculated from the date of environmental clearance dated 22.01.2016, being later]



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16.	Total sale consideration	Rs.19,98,000/- (As per BBA at page no. 33 of the complaint)
17.	Amount paid by the complainant	Rs.21,44,386/- (As alleged by the complainant on page no. 11 of the complaint)
18.	Application for OC	22.12.2022 (As per page no. 38 of complaint)
19.	Occupation certificate	Not obtained
20.	Offer of fit out possession	24.06.2023 (As per page no. 66 of complaint)
21.	Offer of possession	Not offered

The complainant has sought following reliefs:

- To pay DPC till actual handing over of possession and valid physical possession after occupation certificate.
- To direct the respondent to provide benefit of VAT rebate and GST input credit as applicable to the complainant along with interest.
- To waive off the illegal and arbitrary interest charged by the respondent on the complainant.
- To direct the respondent to reimburse litigation cost of Rs.1,50,000/- to the complainant.

The counsel for the complainant requests for grant of DPC as despite having paid 100% of the consideration amount, the unit is not yet completed or handed over and allottee wishes to continue with the project and hence is entitled to DPC in terms of section 18 of the Act till handing over of possession after obtaining OC.

The AR of the respondent states that unit has been completed and OC has been applied but not yet granted, hence the offer of possession shall be made after obtaining OC.

Arguments heard.

In view of the above, delayed possession charges are allowed at the prescribed rate of interest i.e. 11% p.a. from the due date of possession till offer of possession or actual handing over of possession plus two months



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after obtaining occupation certificate, whichever is earlier.

Matter stands disposed off. Detailed order will follow.

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Vijay Kumar Goyal
Member
25.07.2024