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HARYANA REAL ESTATE REGULATORY AUTHORITY
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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

36

Day and Date	Friday and 24.05.2024
Complaint No.	CR/5842/2022 Case titled as Nilam Phaugat VS Magic Eye Developers Private Limited
Complainant	Nilam Phaugat
Represented through	Shri Parikshit Siwach Advocate
Respondent	Magic Eye Developers Private Limited
Respondent Represented	Shri Gaurav Rawat Advocate
Last date of hearing	26.04.2024
Proceeding Recorded by	Naresh Kumari and HR Mehta

Proceedings

The present complaint was received on 07.09.2022 and the reply on behalf of respondent was filed on 25.11.2022.

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

S. No.	Particulars	Details
1.	Name and location of the project	The Plaza, Sector-106
2.	Unit no.	1102, 11 th floor, T-B2 [pg. 25 of complaint]
3.	Unit area admeasuring (Super area)	700 sq. ft. [pg. 25 of complaint]
4.	Allotment Letter	20.08.2012 [pg. 19 of complaint]
5.	Date of buyer's agreement	01.04.2013 [pg. 20 of complaint]



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6.	Possession Clause	9.1 Three years from the date of execution of agreement with two grace periods of six months each.....
7	Due date of possession	01.04.2016 [note: grace period not included]
8.	Total sale consideration	Rs. 42,99,564/- as per the applicant ledger dated 20.01.2020
9.	Amount paid by the complainant	Rs. 39,77,792/- as per the applicant ledger dated 20.01.2020
10.	Occupation certificate	28.11.2019 [pg. 26 of reply]
11.	Offer of possession	30.11.2019 [pg. 46 of complaint]
12.	Possession certificate	08.08.2020 [pg. 34 of reply]
13.	Letter for invitation of conveyance deed	03.02.2020 [pg. 39 of reply]

The counsel for the complainant states that the due date of handing over of possession of the unit was 01.04.2016.

The counsel for the respondent states that they have already paid compensation of Rs.1,11,732/- to the complainant and waived off interest of Rs.64,798/- on account of delayed payment by the complainant and after adjustment of these amounts, the complainant paid the remaining amount on 18.01.2020. Further stated that the complainant is not paying the maintenance charges although the possession was handed over on 08.08.2020 and the outstanding amount on account of maintenance charges should be adjusted against the DPC charges if at all allowed by the authority.

Arguments heard.

Order reserved.



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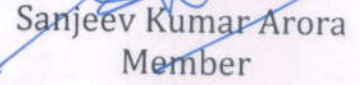
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Both the parties are directed to file written submissions within a period of 15 days with an advance copy to each other.

Matter to come up on 19.07.2024 for pronouncement of orders.


Sanjeev Kumar Arora
Member

24.05.2024