



HARERA
GURUGRAM

HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

PROCEEDINGS OF THE DAY

55

Day and Date

Tuesday and 25.04.2023

Complaint No.

CR/5844/2022 Case titled as Tesu Singh Chuhan Vs Revital Reality Private Limited

Complainant

Tesu Singh Chuhan

Represented through

Shri Jainder Kharab Advocate

Respondent

Revital Reality Private Limited

Respondent Represented

Shri Bhrigu Dhama Advocate

Last date of hearing

22.11.2022

Proceeding Recorded by

Naresh Kumari and HR Mehta

Proceedings

The present complaint was received on 09.09.2022 and the reply on behalf of respondent was received on 23.11.2022.

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

S.N.	Particulars	Details	
1.	Name of the project	"Supertech Basera" sector- 79&79B, Gurugram	
2.	Project area	12.10 area	
3.	Nature of project	Affordable Group Housing Project	
4.	RERA registered/not registered	Registered vide no. 108 of 2017 dated 24.08.2017	
5.	RERA registration valid upto	31.01.2020	
6.	RERA extension no.	14 of 2020 dated 22.06.2020	
7.	RERA extension valid upto	31.01.2021	
8.	DTPC License no.	163 of 2014 dated 12.09.2014	164 of 2014 dated 12.09.2014
	Validity status	11.09.2019	11.09.2019



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CR 5844/2022

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

	Name of licensee	Revital Reality Private Limited and others
9.	Date of approval of building plans	19.12.2014 [as per information obtained by the planning branch]
10.	Date of grant of environment clearance	22.01.2016 [as per information obtained by the planning branch]
11.	Unit no.	303, 3 rd floor, tower/block- 13, (Page no. 21 of the complaint)
12.	Unit measuring	473 sq. ft. (Carpet area) 73 sq. ft. (Balcony area) (Page no. 21 of the complaint)
13.	Allotment letter	N. A
14.	Date of execution of flat buyer's agreement	18.04.2016 (Page no. 00 of the complaint)
15.	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 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</i>



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CR/5896/22

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		possession whichever is earlier. (Page no. 24 of the complaint).
16.	Grace period	Not allowed
17.	Due date of possession	22.01.2020 [Note: - the due date of possession can be calculated from the 4 years from the date of environment clearance i.e., 22.01.2016]
18.	Total sale consideration	Rs.19,28,500/- (As per payment plan page no. 23 of the complaint)
19.	Total amount paid by the complainant	Rs.20,36,473/- (As per prepossession outstanding statement dated 20.04.2022 at page no. 32 of the complaint)
20.	Occupation certificate	Not obtained and application for OC stand made.

Arguments heard.

Refund is allowed at the prescribed rate of interest i.e., 10.70% per annum from the date of deposit till its realization.

Matter stands disposed off. Detailed orders will follow. File be consigned to the registry.


Sanjeev Kumar Arora
Member


Vijay Kumar Goyal
Member
25.04.2023