

PROCEEDINGS OF THE DAY		32
Day and Date	Thursday and 04.01.2024	
Complaint No.	CR/590/2023 Case titled as Anurag Parkash Lal VS Emaar MGF Land Limited	
Complainant	Anurag Parkash Lal	
Represented through	Complainant in person with Shri Geetansh Nagpal Advocate	
Respondent	Emaar MGF Land Limited	
Respondent Represented	Shri Dhruv Rohatgi Advocate	
Last date of hearing	11.10.2023	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings

The present complaint was filed on 13.02.2023 and the respondent has filed reply to the present complaint on 07.08.2023.

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

Sr. No.	Particulars	Details
1.	Name of the project	Palm Drive, Sector 66, Gurugram, Haryana
2.	Total area of the project	37.708 acres
3.	Nature of the project	Group housing colony
4.	DTCP license no.	1. 93 of 2008 dated 12.05.2008. Valid/renewed up to 11.05.2020. 2. 50 of 2010 dated 24.06.2010. Valid/renewed up to 23.06.2020.
5.	Unit no.	A-301, 3 rd floor, tower A



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हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम
CN 510/2023

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

		[page 47 of reply]
6.	Provisional allotment letter dated	27.05.2008 [annexure R2, page 37 of reply]
7.	Date of execution of buyer's agreement	04.08.2008 [page 38-97 of reply]
8.	Possession clause	14. POSSESSION (a) Time of handing over the Possession <i>Subject to terms of this clause and subject to the Apartment Allottee having complied with all the terms and conditions of this Agreement, and not being in default under any of the provisions of this Agreement and compliance with all provisions, formalities, documentation etc., as prescribed by the Company, the Company proposes to hand over the possession of the Apartment/Villa/Penthouse by December 2010. The Apartment Allottee agrees and understands that the Company shall be entitled to a grace period of ninety (90) days, for applying and obtaining the occupation certificate in respect of the Group Housing Complex.</i>
9.	Date of commencement of construction	11.08.2008 (as per statement of account dated 19.06.2023 at page 158-159 of reply)
10.	Due date of possession	December 2010 (As mentioned in the buyer's agreement) [Note: Grace period is not included]
11.	Total consideration as per statement of account	Rs.2,29,77,807/-



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12.	Total amount paid by the complainant as per statement of account dated 19.06.2023 at page 158-159 of reply	Rs.2,38,61,854/-
13.	Occupation certificate	01.04.2015 [annexure R5, page 109-111 of reply]
14.	Offer of possession	03.04.2015 [annexure R6, page 112-124 of reply]
15.	Indemnity undertaking cum for possession	18.03.2019 (Page 125-129 of reply)
16.	Unit handover letter issued in favour of the complainant on	06.05.2019 [Page 130 of reply]
17.	Conveyance deed executed on	08.01.2020 [Page 131-157 of reply]

The counsel for the complainant states that the conveyance deed in respect of above unit has been executed only on 08.01.2020 and the complainant has filed the present complaint for seeking DPC within the limitation period as allowed by Hon'ble Supreme Court in suo motu writ petitions No.3/2020. However, the counsel of the respondent states that the offer of possession to the complainant allottee was made on 03.04.2015 after obtaining OC on 01.04.2015 from DTCP before enactment of the Act and the delay in execution of CD and taking possession was on the part of the complainant and hence, the respondent may not be burdened with the relief of DPC which is time barred.

The counsel for the respondent draws attention of the orders of Hon'ble NCDRC in consumer case No.5/2019 titled as Neelam Tondon versus Emaar MGF Ltd. wherein it has been held that the right of delay compensation arose



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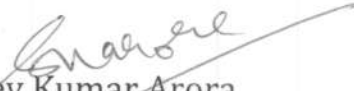
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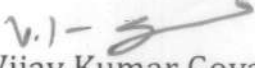
CR/590/2023

New PWD Rest House, Civil Lines, Gurugram, Haryana नया पी. डब्ल्यू. डी. विश्राम गृह, सिविल लाईंस, गुरुग्राम, हरियाणा

on the date of offer of possession and dismissed the appeal. The copy of above order shall be filed in the registry alongwith written submissions, if any within 2 weeks by both the parties after supplying a copy to each other.

Matter to come up on **02.04.2024** for further proceedings.


Sanjeev Kumar Arora
Member


Vijay Kumar Goyal
Member


Arun Kumar
Chairman
04.01.2024