



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. विश्राम गृह, सिविल लाईंस, गुरुग्राम, हरियाणा

PROCEEDINGS OF THE DAY

24

Day and Date	Thursday and 20.03.2025
Complaint No.	CR/595/2024 Case titled as Vimal Devi VS Sunrays Heights Private Limited
Complainant	Vimal Devi
Represented through	Shri Ran Vijay son of the complainant in person
Respondent	Sunrays Heights Private Limited
Respondent Represented	Ms. Deepali proxy counsel
Last date of hearing	16.01.2025
Proceeding Recorded by	Naresh Kumari and HR Mehta

Proceedings

The present complaint was filed on 23.02.2024 and the written submissions on behalf of AR of the respondent was filed during proceedings dated 08.08.2024.

Succinct facts of the case are as under:

S. N.	Particulars	Details
1.	Name of the project	"Sixty-Three Golf Drive", Sector 63A Gurugram
2.	Nature of the project	Affordable group housing
3.	RERA registered or not registered	249 of 2017 dated 26.09.2017 valid up to 25.09.2022
4.	DTCP license	82 of 2014 dated 08.08.2014 valid up to 31.12.2023
5.	Unit no.	148, tower J (page 38 of complaint)
6.	Unit admeasuring	356.18 sq. ft. (carpet area) 69.84 sq. ft. (balcony area) (page 38 of complaint)
7.	Provision Allotment Letter	03.06.2016 (page 21 of complaint)
8.	Date of execution of Buyers agreement	18.06.2016 (as on the stamp paper of the buyer)



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		agreement on page no. 24 of complaint)
9.	Possession clause	4.1 <i>The Developer shall endeavor to handover possession of the said flat within a period of four years i.e. 48 months from the date of commencement of project, subject to force majeure & timely payments by the allottee towards the sale consideration, in accordance with the terms as stipulated in the present agreement.</i> (page 34 of complaint) <i>*Note: As per affordable housing policy 2013 1(iv) All such projects shall be required to be necessarily completed within 4 years from the 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 this policy. The licence shall not be renewed beyond the said 4 years from the date of commencement of project.</i>
10.	Date of building plan	10.03.2015 (taken from another file CR/2814/2021 decided on 30.11.2023 of same project)
11.	Date of environment clearance	16.09.2016 (taken from another file CR/5238/2022 of same project)
12.	Due date of possession	16.03.2021 (16.09.2020 plus six months in lieu of covid-19) (calculated from the date of environment clearance)
13.	Basic sale price	Rs.14,59,640/- (as per allotment letter page 21 of complaint)
14.	Amount paid by the complainant	Rs.13,29,280/- (as alleged in complaint 07 of complaint) Rs.13,44,449 /- (as per written submissions filed by the complainant and as per SOA dated 15.03.2024 page 21 of reply)
15.	Final reminder	15.03.2024 (page 16 of reply)
16.	Cancellation letter	22.04.2024



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		(page 15 of reply)
17.	Newspaper Publication	06.04.2024 (page 23 of reply)
18.	Occupation certificate	Not obtained
19.	Offer of possession	Not offered

The complainants have sought following relief(s):

1. Direct the respondent to pay DPC.
2. Direct the respondent to execute CD.

The complainant in person, submits that they have already paid approximately 90% of the sale consideration for the subject unit. Despite this, the respondent has failed to hand over possession after a prolonged delay and request for the delay possession charges on the amount paid.

The proxy counsel for the respondent seeks an adjournment as the main arguing counsel is not available in the city. However, the complainant, present in person, argues that the subject unit was allotted in 2016 under the Affordable Housing Policy, 2013, and they have been waiting for possession for over eight years despite having paid more than 90% of the sale consideration and hence further adjournment may not be allowed. Further submits that the respondent is threatening to cancel the subject unit and may create third-party rights and hence may be restrain from the same.

Further, the respondent is given an opportunity to file written submissions within 15 days with an advance copy to the complainant along with latest SOA.

Submissions Heard. Order Reserved.

In the meantime, the respondent is directed to maintain the status quo on the subject unit and not to cancel the subject unit as already directed vide order dated 02.05.2024.

Matter to come up on **01.05.2025** for pronouncement of order.

Vijay Kumar Goyal
Member
20.03.2025