



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

3

Day and Date	Thursday and 10.10.2024
Complaint No.	CR/6044/2022 Case titled as Rajesh Kumar Passi and Poonam Passi VS EMAAR India Limited
Complainant	Rajesh Kumar Passi and Poonam Passi
Represented through	Shri Gaurav Rawat Advocate
Respondent	EMAAR India Limited
Respondent Represented	Shri Ishaan Dang Advocate
Last date of hearing	25.07.2024
Proceeding Recorded by	Naresh Kumari and HR Mehta

Proceedings

The present complaint was filed on 06.09.2022 and registered as complaint no. 6044 of 2022 and the respondent has filed reply to the present complaint on 24.11.2022.

On hearing dated 15.02.2024, the counsel for both the parties sought adjournment to explore the possibility of amicable settlement. But till date, no settlement deed has been placed on record.

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

S. No.	Particulars	Details
1.	Name of the project	"Premier Terraces at Palm Drive", Sector 66, Gurugram, Haryana
2.	Nature of project	Group housing colony
3.	DTCP License no.	i. 228 of 2007 dated 27.09.2007 valid up to 26.09.2019 ii. 93 of 2008 dated 12.05.2008 valid up to 11.05.2020



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CA/6044/2022

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

4.	Unit no.	J-1203, Tower-J, 12 th floor (As per page no. 89 of the complaint)
5.	Unit area	1947sq. ft. (Super Area) (As on page no. 137 of the complaint) (Note: Super Area was increased to 1947 sq. ft. from 1900 sq. ft.)
6.	Application for allotment	05.08.2008 (As per page no. 31 of the complaint)
7.	Allotment letter	11.08.2008 (As per page no. 43 of the complaint)
8.	Date of execution of buyer's agreement	24.09.2008 (As per page no. 85 of the complaint)
9.	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</i>



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		<i>in respect of the Group Housing Complex.</i> <i>(Emphasis supplied)</i> (As on page no. 103 of the complaint)
10.	Due date of possession	December 2010 (As mentioned in buyer's agreement)
11.	Total sales consideration	Rs.1,00,43,380/- (As per page no. 90 of the complaint)
12.	Amount paid by the complainants	Rs.1,11,44,015/- (As per SOA on page no. 139 of the complaint)
13.	Occupation certificate	13.02.2017 (As per page no. 47 of the reply)
14.	Offer of possession	10.04.2017 (As per page no. 146 of the reply)
15.	Indemnity cum undertaking	25.04.2017 (As per page no. 152 of the reply)
16.	Unit handover letter	28.06.2017 (As per page no. 137 of the complaint)
17.	Conveyance deed	14.07.2017 (As per page no. 148 of the complaint)

The counsel for the complainant states that though the unit was handed over way back in 2017 and conveyance deed was also executed on 14.07.2017 but the unit was not handed over with all the amenities as promised as per BBA.

The counsel for the respondent states that after obtaining occupation certificate on 13.02.2017 the offer of possession of the unit was made on 10.04.2017 and unit was handed over on 28.06.2017 and conveyance deed has also been executed on 14.07.2017. An indemnity-cum-agreement was signed by the complainant on 25.04.2017, hence the present complaint is barred by limitation. The counsel further states that the relief regarding amenities has not been sought at the time of filing of complaint and cannot be raised at this belated stage.



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The counsel for the complainant has already filed written submissions and the counsel for the respondent is filing written submissions today and a copy of the same has been supplied to the counsel of the complainant. Arguments have already been heard.

Matter to come up on 05.12.2024 for pronouncement of order.

V. J. Goyal
Vijay Kumar Goyal
Member
10.10.2024