

PROCEEDINGS OF THE DAY

Day and Date	Friday and 22.10.2021
Complaint No.	CR/6254/3831/2019 Case titled as Naresh Arora V/S M/s Experion Developers Private Limited
Complainant	Naresh Arora
Represented through	S/Shri Satvir Singh and Hemant Yadav Advocates
Respondent	M/s Experion Developers Private Limited
Respondent Represented	Shri Rishabh Jain proxy counsel
Last date of hearing	31.08.2021
Proceeding Recorded by	Naresh Kumari and HR Mehta

Proceedings

The present complaint has been received on 10.09.2019 and the reply was received on 04.10.2019.

The possession of the unit was taken over on 01.06.2017 and indemnity-cum undertaking signed by the promoter and the complainant. The authority following the Hon'ble Supreme Court judgement in such matters where indemnity-cum-undertaking got signed by the promoter at the time of possession taking away all his legal rights regarding delay etc. The authority decides to grant delayed possession charges at the prescribed rate of interest i.e. 9.30% and any delayed possession charges paid earlier be adjusted.

Succinct facts of the case are as under:-

Sr. No.	Particulars	Details



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

1.	Name of the project	The Heartsong
2.	Unit No.	B3/0304 admeasuring 1,758 sq.ft
3.	Date of allotment	07.12.2012 (Provisional allotment letter dated 07.12.2012)
4.	Date of builder buyer agreement	28.05.2013
5.	Possession clause – 10.1	Subject to terms of this clause and subject to the Allottee(s) having complied with all the terms and conditions of this Buyer's Agreement, and not being in default under any of the provisions of this Buyer's Agreement and compliance with all provisions, formalities, documentation etc. as prescribed by the Company, the Company proposes to hand over the possession of the Unit within 36 months from the date of signing of this agreement , subject to timely compliance of the provisions of the Buyer's Agreement by the Allottee. The Allottee(s) agrees and understands that the Company shall be entitled to a grace period of 180 days, for unforeseen

An Authority constituted under section 20 the Real Estate (Regulation and Development) Act, 2016
Act No. 16 of 2016 Passed by the Parliament

भू-संपदा (विनियमन और विकास) अधिनियम, 2016 की धारा 20 के अंतर्गत गठित प्राधिकरण

भारत की संसद द्वारा पारित 2016 का अधिनियम संख्यांक 16



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		and unplanned project realities.
7.	Due date of possession	28.05.2016 (disallowing grace period)
8.	Occupation certificate	02.03.2017
9.	Offer of possession	03.03.2017 (vide notice of possession dated 03.03.2017 after obtaining OC.)
10.	Grace period utilization	Not utilized for obtaining OC/CC

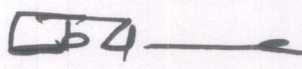
The complainant has sought following reliefs:

1. DPC: Considering the above-mentioned facts the authority calculated due date of possession according to clause 10.1 of the agreement i.e., 36 months from the date of an agreement and disallows the grace period of 180 days. The authority allows DPC w.e.f. 28.05.2016 till handing over of possession.

For other reliefs, details to be filed relief wise with a copy to the respondent within 15 days. Respondent may further file response within next 15 days.

Matter to come up on 22.12.2021.


Samir Kumar
Member


Dr. KK Khandelwal
Chairman
22.10.2021


Vijay Kumar Goyal
Member