

PROCEEDINGS OF THE DAY		39
Day and Date	Tuesday and 20.05.2025	
Complaint No.	CR/626/2023 Case titled as Neelam Yadav VS Ocean Seven Buildtech Private Limited	
Complainant	Neelam Yadav	
Represented through	Shri Harshit Batra Advocate	
Respondent	Ocean Seven Buildtech Private Limited	
Respondent Represented	Shri Arun Yadav Advocate	
Last date of hearing	06.03.2025	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings

The present complaint was filed on 09.02.2023 and the reply was received on 25.01.2024.

The succinct facts of the case are as follows:

S. No.	Particulars	Details
1	Name and location of the project	"Expressway Towers" at sector-109, Gurugram
2	Nature of the project	Affordable group housing
3	Project area	7.5 acres
4	DTCP license no.	6 of 2016 dated 05.09.2019 valid up to 04.09.2024
5	RERA Registered/ not registered	Registered vide no. 301 of 2017 dated 13.10.2017 valid up to 12.10.2021
6	Unit no.	1308, 13 th floor & Tower-4 (As per page no. 22 of the complaint)
7	Unit area admeasuring	644 sq. ft. (Carpet area) & 100 sq. ft. (balcony area) (As per page no. 22 of the complaint)
8	Date of allotment	20.05.2017 (As per page no. 18 of the complaint)



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हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

9	Date of buyer's agreement	05.06.2017 (As per page no. 20 of the complaint)
10	Possession clause as per BBA	5.2 Possession Time <i>The company shall sincerely endeavor to complete the construction and offer the possession of the said unit within five years from the date of the receiving of license ('Commitment Period), but subject to force majeure clause of this agreement and timely payment of installments by the allottee(s).....</i> (As per page no. 32 of the complaint)
11	Possession clause as per Affordable Housing Policy, 2013	1(IV) of the Affordable Housing Policy, 2013 <i>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 licenses shall not be renewed beyond the said 4 years period from the date of commencement of project.</i>
12	Due date of possession	30.05.2022 (calculated from the date of environment clearance dated 30.11.2017 being later + 6 months as per HARERA notification no. 9/3-2020 dated 26.05.2020 for the projects having completion date on or after 25.03.2020)
13	Total sale consideration	Rs.26,26,000/- (As per page no. 25 of the complaint)
14	Amount paid by the complainant	Rs.23,83,095/- (As per ledger account on page no. 57 of the complaint)
15	Occupation certificate	Not obtained
16	Offer of possession	Not offered

The counsel for the complainant states that the complainant has booked the unit in the year 2017 in the project of the respondent company. Till date only



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60% project has been developed by the respondent/promoter after making the payment of more than 80-90% of the total sale consideration. Now, the complainant is seeking direction to restrain the respondent from terminating the unit till the final disposal of the present complaint, grant of delayed possession charges along with possession along with other reliefs.

Further states that keeping in mind the current status of the project, it is prayed that this Authority may take steps/action under section 8 of the Act of 2016, for completing the project and if required necessary steps to be taken to seize control the project and finishing the same either directly or through another origination

The counsel for the respondent states that environment clearance was obtained by the respondent on 30.11.2017 and consent to establish was granted in February, 2018 and as per consent to establish, the due date of possession comes out to be in August, 2022 after grant of grace period of 6 months due to COVID-19. Further states that the license of the respondent has been suspended by the DTCP on the request of the RWA and there is no fault of the respondent to complete the project. Hence, the period of suspension of license may be treated as Zero period while calculating the delayed possession charges.

Argument heard.

The respondent is directed to pay interest at the prescribed rate of interest i.e., 11.10% p.a. for every month of delay from the due date of possession i.e. 30.05.2022 till valid offer of possession after obtaining occupation certificate, plus two months or actual handing over of possession, whichever is earlier as per proviso to section 18(1) of the Act read with rule 15 of the rules.

Detailed order will follow. Matter stands disposed off.

Ashok Sangwan
Member

Arun Kumar
Chairman
20.05.2025

Vijay Kumar Goyal
Member