



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

14

Day and Date	Thursday and 05.09.2024
Complaint No.	CR/6434/2022 Case titled as Devender Kumar VS Apex Buildwell Private Limited
Complainant	Devender Kumar
Represented through	Shri Sunil Kumar Advocate
Respondent	Apex Buildwell Private Limited
Respondent Represented	Shri Harshit Batra Advocate
Last date of hearing	30.05.2024
Proceeding Recorded by	Naresh Kumari and HR Mehta

Proceedings

The present complaint was filed on 14.10.2022 and reply on behalf of the respondent was received on 28.12.2023, after delay of a year.

The counsel for the respondent has filed an application for placing on record relevant documents clarifying the date of commencement of construction.

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

S. No.	Heads	Information
1	Name and location of the project	"Our Homes", Sector 37 C, Gurugram, Haryana
1.	Nature of the project	Affordable Group Housing project
2.	Project area	10.144 acres
3.	DTCP License	13 of 2012 dated 22.02.2012 valid till 01.12.2019
4.	HRERA registered/ not registered	40 of 2019 dated 08.07.2019 valid up to 01.12.2019
5.	Application dated	26.09.2012 (As per page 24 of the complaint)



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6.	Date of execution of apartment buyer's agreement	22.02.2013 (As per page no. 22 of the complaint)
7.	Unit no.	937 on 9 th floor, Tower Lotus (As per page no. 25 of the complaint)
8.	Super Area	48 sq. mt. (As per page no. 25 of the complaint)
9.	Possession clause	30. <i>the DEVELOPER proposes to handover the possession of the APARTMENT within a period of 36 months, with a grace period of 6 month, from the date of commencement of construction of the Complex upon the receipt of all project related approvals including sanction of building plan/ revised plan and approval of all concerned authorities including Fire Service Department, Civil Aviation Department, Traffic Department, Pollution Control Department etc. as may be required for commencing, carrying on and completing the said complex subject to force majeure, restrains or restriction from any court/authorities.</i> (As per page 31 of the complaint)
10.	Due date of delivery of possession	02.06.2017
11.	Consent to Establish	02.12.2013
12.	Basic sale consideration	Rs.16,00,000/- (As per page no. 25 of complaint)
13.	Total amount paid by the complainant	Rs.16,00,000/- exclusive of stamp duty (As per page no. 27 of reply)
14.	Occupation Certificate	(As per page no. 23-24 of reply)
15.	Offer of Fit-Out Possession	03.06.2019 (As per page no. 54 of the complaint)



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16.	Offer of possession	01.12.2019 (As per page no. 26 of reply)
17.	Conveyance Deed	11.12.2020 (As per page no. 27-68 of reply)

The counsel for the complainant is requesting for relief in terms of order passed by the authority in similar case bearing CR No.1246/2022 and is seeking delayed possession charges. However, the counsel for the respondent states that complaint is barred by limitation on the ground that not only offer of the possession was made in 2019 after obtaining OC on 29.11.2019 and CD has been executed on 11.12.2020. The cause of action arose on the due date which was 02.06.2017 and hence, the complaint filed by the complainant in 2022 may not be entertained.

Both the parties may file brief written submissions within a period of 15 days with an advance copy to each other.

Order reserved.

Matter to come up on 31.10.2024 for pronouncement of order.

V.1-3
Vijay Kumar Goyal
Member
05.09.2024