



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

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Day and Date	Tuesday and 30.04.2024
Complaint No.	CR/6461/2022 Case titled as Shakuntla Devi VS EMAAR MGF LAND LIMITED
Complainant	Shakuntla Devi
Represented through	Shri Kanish Bangia Advocate
Respondent	EMAAR MGF LAND LIMITED
Respondent Represented	Shri Harshit Batra Advocate
Last date of hearing	31.01.2024
Proceeding Recorded by	Naresh Kumari and HR Mehta

Proceedings

The present complaint has been received on 04.10.2022. The reply on behalf of respondent was received on 31.10.2023.

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

Sr. No.	Particulars	Details
1.	Name of the project	Emerald Hills, Sector-65
2.	Project area	102.7412 acres
3.	Nature of project	Group Housing Colony
4.	DTCP license	10 dated 21.05.2009
5.	RERA registered	Registered vide 162 of 2017 Dated 29.08.2017
6.	Unit no.	053, 1 st floor
7.	Unit area	1380 sq. ft.
8.	Provisional Allotment letter	16.02.2010



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	(In favour of the original allottee Ms. Chetna Khullar)	(As on page no. 65 of complaint)
9.	Date of execution of buyer's agreement	17.03.2010 (As on page no. 70 of complaint)
10.	Possession clause	13. POSSESSION (i) Time of handing over the Possession <i>Subject to terms of this clause and subject to the Allottee(s) 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 Floor within 27 months from the date of execution of this Agreement. The Allottee(s) agrees and understands that the Company shall be entitled to a grace period of six months, for applying and obtaining the occupation certificate in respect of the Floor and/or the Project.</i> <i>[Emphasis Supplied]</i> (As on page no. 82 of complaint)
11.	Due date of possession	17.12.2012 [Note:- Grace period of 3 months not included]
12.	Total sales consideration	Rs. 45,13,615/- (As per the allotment letter on page no. 65 of complaint)
13.	Amount paid by the complainant	Rs. 53,63,615 (as alleged by the complainant)
14.	Nomination letter in the name of the	28.06.2012



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CA/6461/2022

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	complainant	(As on page no. 130 of complaint)
15.	Agreement to sell wherein second allottee transferred the unit in the name of the complainant [Between Mr. Abhinav Balyan(second allottee) and Shakuntla Devi]	20.06.2012 (As on page no. 127 of reply)
16.	Occupation certificate	09.06.2016 (As on page no. 145 of reply)
17.	Offer of possession	23.01.2017 (As on page no. 146 of reply)
18.	Unit handover on	06.04.2018 (As on page no. 131 of complaint)
19.	CD executed on	28.12.2020 (As on page no. 136 of complaint)
20.	Settlement agreement	14.03.2018 (As on page no. 163 of reply)

The counsel for the complainant states that the complainant has filed the present complaint for seeking delayed possession charges from the due date of possession i.e. 17.2.2012 till offer of possession taken on 6.4.2018 and to direct the respondent not to charge anything which is not part of the BBA. The counsel for the respondent states that the complainant has taken over the possession on 6.4.2018 in terms of offer of possession made on 23.1.2017 after obtaining OC on 9.6.2016. The conveyance deed in favour of the complainant has also been executed on 28.12.2020. There is a settlement agreement dated 14.3.2018 and the complaint is time barred by limitation as the conveyance deed has already been executed on 28.12.2020.



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Arguments heard.

Order reserved.

Both the parties are directed to file written submissions within a period of 15 days with an advance copy to each other along with citations, if any.

Matter to come up on 16.07.2024 for pronouncement of order.


Sanjeev Kumar Arora
Member


Vijay Kumar Goyal
Member


Arun Kumar
Chairman
30.04.2024