

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

PROCEEDINGS OF THE DAY		6
Day and Date	Thursday and 16.02.2023	
Complaint No.	CR/678/2021 Case titled as RAJIV SETHI Vs ORRIS INFRASTRUCTURE PRIVATE LIMITED	
Complainant	RAJIV SETHI	
Represented through	Complainant in person with Shri Satya Parkash Yadav Advocate	
Respondent	ORRIS INFRASTRUCTURE PRIVATE LIMITED	
Respondent Represented	Ms. Charu Rustagi Advocate	
Last date of hearing	13.07.2022	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings

The present complaint was heard and disposed of vide order dated 13.07.2022 wherein the Authority has awarded delayed possession charges to the complainant at the prescribed rate of interest i.e., 9.70% p.a. from due date of possession i.e. October 2015 till date of the possession plus 2 months i.e. 11.06.2017 as per section 18(1) of the Act read with rule 15 of the Rules.

Application dated 11.10.2022 has been filed by the counsel of the complainant wherein it is stated that the Authority had observed at para no.32 at page 21 of order dated 13.07.2022 that the 'due date of possession as per agreement for sale as mentioned in the table above is October 2015 and there is delay of 2 years approximately on the date of filing of the complaint as respondent has already offered the unit on 11.04.2017 after obtaining occupation certificate from the competent authority on 06.04.2017'. It is further submitted that the said order suffers from an error apparent on the face of record, in as much as, the due date of possession, as per the builder buyer agreement executed on 26.03.2011 is October



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HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम
CR/278/2021

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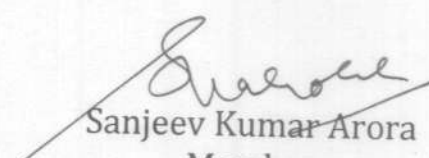
2014 and not October 2015. In view of the above, it is prayed that necessary orders be passed thereby rectifying the orders dated 13.07.2022.

Upon perusal of documents placed on record, the authority has gone through the possession clause 10.1 of the buyer's agreement and the same is reproduced below for the ready reference:

"Clause 10.1 The company based on its present plans and estimates and subject to all just exceptions, contemplates to complete the construction of the said building/said unit within a period of 36 months plus grace period of 6 months from the date of execution of the apartment buyer's agreement by the company or sanctions of the plans or commencement of construction whichever is later unless there shall be delay or failure due to reasons mentioned in clauses 11.2, 11.3 and clause 38 or due to failure of allottee to pay in time the price of the said unit ...".

The counsel for the complainant is seeking rectification of the order dated 13.07.2022 and wants to file written submissions within 15 days with an advance copy to the respondent. Request is allowed.

Matter to come up on 09.03.2023 for further proceedings.


Sanjeev Kumar Arora
Member
16.02.2023