

PROCEEDINGS OF THE DAY		44
Day and Date	Friday and 24.11.2023	
Complaint No.	CR/6933/2022 Case titled as Nisha Mittal and Ashish Chopra VS Emaar MGF Land Ltd	
Complainant	Nisha Mittal and Ashish Chopra	
Represented through	Shri Kanish Bangia Advocate	
Respondent	Emaar MGF Land Ltd	
Respondent Represented	Shri Harshit Batra Advocate	
Last date of hearing	10.11.2023	
Proceeding Recorded by	Naresh Kumari	
Proceedings		
The present complaint was filed on 07.11.2022 and the written statement has been filed by the respondent on 31.10.2023.		
S.N.	Particulars	Details
1.	Name of the project	Emerald Floors Premier in emerald estates, Sector 65, Urban Estate, Gurugram.
2.	Total area	25.49 acres
3.	Unit no.	EFP-09-0201, 2 nd floor
4.	Unit area admeasuring	1650 sq ft
5.	DTPC license no. & validity status	06 of 2018 dated 17.01.2018



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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 लाईंस, गुरुग्राम, हरियाणा

6.	RERA registered/not registered	104 of 2017 dated 24.08.2017
7.	Acknowledgment receipt	30.10.2009 (Page no. 49 of complaint)
8.	Allotment letter	16. 11.2009 (Page no. 50 of complaint)
9.	Date of buyer's agreement	20.02.2010 (Pg no. 55 of BBA)
10.	Conveyance deed	08.06.2022 (Page no. 149 of complaint)
11.	UNIT HANDOVER LETTER	25.05.2022 (Page no. 146 of reply)
12.	Possession clause	11. Company proposes to hand over the possession of the unit within 36 months from the date of execution of buyer's agreement. The allottee agrees and understand that the company shall be entitled to a grace period of three months, for applying and obtaining the completion certificate/ occupation certificate in respect of the unit.
13.	Due date of possession	20.02.2013 (Calculated from the date of BBA execution)
14.	Total sale consideration	Rs. 76,98,561/- (As per SOA Page no. 142 of reply)



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15.	Amount paid by the complainant	RS 77,16,819/- (As per SOA page no 142 of reply)
16.	Occupation certificate	05.03.2019 (Page no 134 of reply)
17.	Offer of possession	17.01.2020 (Page no. 112 of complaint)

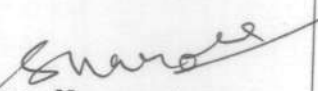
The counsel for the complainants states that the complainants took the possession of the unit on 25.05.2022 and conveyance deed of the same was executed on 08.06.2022 but since the due date of possession was 20.02.2013, hence he is seeking relief of delayed possession charges.

The counsel for the respondent states that the similar matters are already listed before the Hon'ble Tribunal for 20.02.2024 and further stated that as per clause 10 of the conveyance deed, it is clearly stated that the complainants are fully satisfied as regard compensation for delay also. More-over, further to that OC of the project was received on 05.03.2019 and offer was made on 17.01.2020 but the complaint has been filed on 19.10.2022.

Part arguments heard.

Both the counsels for the parties are directed to file written submissions within a period of 15 days with an advance copy to each other.

Matter to come up on **02.02.2024** for further arguments.


Sanjeev Kumar Arora
Member
24.11.2023