



**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**

**41**

Day and Date	Friday and 01.03.2024
Complaint No.	CR/7091/2022 Case titled as Durgavati VS Pivotal Infrastructures Private Limited
Complainant	Durgavati
Represented through	Shri Gaurav Rawat, Advocate
Respondent	Pivotal Infrastructures Private Limited
Respondent Represented	Shri Sidharth Sehjwal, AR
Last date of hearing	24.11.2023
Proceeding Recorded by	H.R.MEHTA

**Proceedings**

The present complaint was filed on 17.11.2022 and the written statement has been filed by the respondent on 05.09.2023.

S.N.	Particulars	Details
1	Name and location of the project	"Riddhi Siddhi" at sector 99, Gurgaon, Haryana
2	Nature of the project	Affordable Group housing
3	Project area	6.19375 acres
4	DTCP license no.	86 of 2014 dated 09.08.2014 valid upto 08.08.2019
5	RERA Registered/ not registered	Registered vide no. 236 of 2017 dated 19.09.2017 valid upto 08.08.2019
6	Registration extension vide no.	Harera/GGM/REP/RC/236/2017/EXT/177/2019 dated 30.12.2019 valid upto 31.08.2020
7	Unit no.	401, 4 <sup>th</sup> floor, Tower-T7 (page 48 of complaint)
8	Unit area admeasuring	487 sq. ft. (Carpet area) (Page 48 of complaint)



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*CR 10911/2022*

New PWD Rest House, Civil Lines, Gurugram, Haryana नया पी. डब्ल्यू. डी. विश्राम गृह, सिविल लाईंस, गुरुग्राम, हरियाणा

9	Date of allotment	05.09.2015 (Page 48 of complaint)
10	Date of builder buyer agreement	11.07.2016 (Page 78 of complaint)
11	Date of building plan approval	17.10.2014 (Page 25 of reply)
12	Environmental clearance dated	22.01.2016 (Page 31 of reply)
13	Possession Clause	<b>8.1 EXPECTED TIME FOR HANDING OVER POSSESSION</b> <i>Except where any delay is caused on account of reasons expressly provided for under this Agreement and other situations beyond the reasonable control of the Company and subject to the Company having obtained the occupation/completion certificate from the competent authority(ies), the Company shall endeavor to complete the construction and handover the possession of the said Apartment within a period of 4 years from the date of grant of sanction of building plans for the Project or the date of receipt of all the environmental clearances necessary for the completion of the construction and development of the Project, whichever is later, subject to timely payment by the Allottee of all the amounts payable under this Agreement and performance by the Allottee of all other obligations hereunder.</i>
14	Due date of possession	22.01.2020 [Due date of possession calculated from the date of environmental clearance dated 22.01.2016]
15	Total sale consideration	Rs.20,26,000/- (page 28 of complaint)



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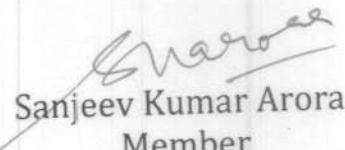
16	Amount paid by the complainant	Rs.20,94,487/- (as admitted by respondent on page 10 of reply)
17	Occupation certificate	Not yet obtained (Applied on 22.12.2022)
18	Offer of possession	Not offered

The counsel for the complainant states that they are seeking DPC as well as the possession of the unit as the due date of possession was 22.1.2020 and the unit has not yet handed over till now. Further brought attention of the authority towards decision of this very authority in CR No, 570 of 2023 and orders dated 21.2.2024 in which DPC has been allowed from the due date till actual handover or valid offer of possession whichever is earlier and this complaint may be decided on same lines.

The counsel for the respondent states that an application for obtaining OC has been made to the competent authority and may take 3-4 months. In the light of above facts, DPC at the prescribed rate of interest i.e. 10.85% p.a. is hereby allowed from the due date of possession till actual handing over of possession or till valid offer of possession after obtaining OC from the competent authority.

Further the respondent is directed to handover the possession within 90 days after obtaining OC from the competent authority.

Matter stands disposed off. Detailed orders will follow.

  
Sanjeev Kumar Arora  
Member  
01.03.2024