

PROCEEDINGS OF THE DAY		42
Day and Date	Thursday and 24.04.2025	
Complaint No.	CR/710/2024 Case titled as Hari Chand Shamria VS Ocean Seven Buildtech Private Limited	
Complainant	Hari Chand Shamria	
Represented through	Shri Bhajan Lal Jangra Advocate	
Respondent	Ocean Seven Buildtech Private Limited	
Respondent Represented through	Shri Arun Yadav Advocate	
Last date of hearing	13.03.2025	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings

The present complaint was filed on 20.03.2024 and registered as complaint No.710 of 2024 and reply was received on 25.07.2024.

The Succinct facts of the case as per complaint and annexures are as follows:

S. N.	Particulars	Details
1.	Name and location of the project	"Expressway Towers", Sector-109, Gurugram.
2.	Project area	7.50 Acres
3.	Nature of Project	Residential (Affordable Group Housing)
4.	DTCP license no. and validity status	06 of 2016 dated 16.06.2016 Valid upto 15.06.2021
5.	Name of Licensee	M/s Ocean Seven Buildtech Pvt. Ltd.
6.	Rera registered/ not registered and validity status	Registered Vide no. 301 of 2017 dated 13.10.2017 Valid upto 12.10.2021

CR/110/2024

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

7.	Unit no.	502, 5 th floor, Tower-06. (page 30 of complaint)
8.	Unit Admeasuring	645 sq. ft. carpet area and 99 sq. ft. balcony area (page 30 of complaint)
9.	Allotment letter	20.05.2017 (page 30 of complaint)
10.	Approval of Building Plan	26.09.2016 (Taken from similar complaint of similar project bearing no. CR/4086/2020)
11.	Environmental Clearance	30.11.2017 (Taken from similar complaint of similar project bearing no. CR/4086/2020)
12.	Buyer's Agreement	29.07.2017 (page 33 of complaint)
13.	Loan Sanction letter (issued by State Bank of India)	30.10.2017 (page 72 of complaint)
14.	Possession Clause as per buyer's agreement	5.2 Possession Time <i>The company shall sincerely endeavor to complete the construction and offer the possession of the said unit within five years from the date of receiving of license ("Commitment Period") ...</i> [Emphasis supplied]
15.	Possession Clause (as per affordable housing policy, 2013)	1(IV) of the Affordable Housing Policy, 2013 <i>All such projects shall be required to be necessarily completed within 4 years from the approval of building plans or grant of environmental clearance, whichever is later. This date shall be referred to as the "date of commencement of project" for the purpose of this policy. The licenses shall not be renewed beyond the said 4 years period from the date of commencement of project.</i>



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हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम
CR 710/2024

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

16.	Due date of possession	30.05.2022 30.11.2021 Plus additional grace of 6 months in lieu of Covid-19 as per the HARERA Notification. [Note: The due date is calculated form the date of environmental clearance (31.11.2017), being later.]
17.	Sale consideration	Rs.26,29,500/- (as mentioned in BBA at page 38 of complaint)
18.	Total amount paid	Rs.26,18,249/- (As per Ledger Account at page no.73 of complaint)
19.	Occupancy Certificate	Not obtained
20.	Offer of possession	Not offered

The complainant is seeking delay possession charges till handing over of possession and handing over the physical possession, execution of the conveyance deed after offering valid offer of possession to the complainant and not to demand Labour Cess, VAT, Work Contract Tax and Power Backup Charges etc. along with other reliefs.

The counsel for the respondent states that environment clearance was obtained by the respondent on 30.11.2017 and consent to establish was granted in February, 2018 and a per consent to establish, the due date of possession comes out to be in August, 2022 after grant of grace period of 6 months due to COVID-19. Further states that the license of the respondent has been terminated by the DTCP on the request of the RWA and there is no fault of the respondent to complete the project. Hence, the period of termination of license may be treated as Zero period while calculating the delayed possession charges.

Arguments heard.

Order reserved.



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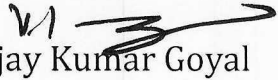
हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम
CR 910/2024

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

Parties may file brief written submissions within a period of 2 weeks with an advance copy to each other.

Matter to come up on 30.05.2025 for pronouncement of order.


Vijay Kumar Goyal
Member
24.04.2025