

PROCEEDINGS OF THE DAY		18
Day and Date	Wednesday and 07.02.2024	
Complaint No.	CR/7434/2022 Case titled as Kawal Jain and Anshu Jain VS Wonder City Buildcon Private Limited	
Complainant	Kawal Jain and Anshu Jain	
Represented through	Mohd. Irshad Advocate	
Respondent	Wonder City Buildcon Private Limited	
Respondent Represented	S/Shri Shantanu Parashar and Shaurya Chourasiya Advocates	
Last date of hearing	08.11.2023	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings

The present complaint was received on 28.11.2022 and reply was filed by the respondent on 15.11.2023.

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

S. N.	Particulars	Details
1.	Name of the project	Godrej Aria Sector 79 Gurugram
2.	Project area	14.59 Acres
3.	Nature of the project	Residential Apartment
4.	DTCP license no. and validity status	47 of 2013 dated 06.06.2013
5.	Name of licensee	Sterling Infrastructure Pvt Ltd

New PWD Rest House, Civil Lines, Gurugram, Haryana

नया पी डब्ल्यू डी. विश्राम गुप्त सिविल लाइन्स गुरुग्राम हरियाणा

6.	RERA Registered/ not registered	
7.	Unit no.	F 0594, F tower, 5 th Floor (Page no. 39 of complaint)
8.	Unit area admeasuring (super area)	1351 Sq. Ft. (Page no. 39 of complaint)
9.	Flat Buyer's Agreement	16.04.2015 (Page no. 34 of complaint)
10.	Allotment letter	24.02.2015 (Page no. 28 of complaint)
6	RERA Registered/ not	
11.	Due date of possession	24.02.2020 (Including grace period)
12.	Possession clause	Clause 4.2 of FBA <i>The Developer shall endeavor to complete the construction of the Apartment within 48 months from the date of issuance of Allotment Letter, along with a grace period of 12 months over and above this 48 months period ("Tentative Completion Time"). Upon the Apartment being ready for possession and occupation the Developer shall issue the Possession Notice to the Buyer of the Apartment.</i>
13.	Total sale consideration	Rs. 1,08,37,560/- (Page no. 91 of complaint)
14.	Amount paid by the complainants	Rs. 1,13,34,662/- (Page no. 132 of complaint)
15.	Occupation certificate /Completion certificate	01.10.2019 (Page no. 84 of complaint)

16.	Offer of Possession	07.03.2020 (Page no. 84 of complaint)
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The counsel for the complainants is seeking issuance of fresh offer of possession and DPC as well as rectification of certain defects in the apartment allotted to the complainants alongwith execution of sale deed. The due date for handing over of possession was 17.03.2020 after grace period and the offer of possession for handing over of apartment was made on 07.03.2020 which was during the Covid period. The complainants could not obtain possession due to Covid lockdown since inspection could not be carried out. After follow up with the respondent an email dated 14.09.2020 was received wherein it was stated that the unit will be ready for hand over on 25.09.2020. Therefore, by implication, the unit was not ready for offer of possession when the offer of possession was made on 07.03.2020. Further, when the apartment was inspected in August 2021, a number of defects were noticed which were pointed out to the respondent vide email dated 08.03.2022 followed by reminders.

The counsel for the respondent states that the OC of the unit was granted by the competent authority on 01.10.2019. The possession was offered to the complainants after completion of the unit in all respects to make it habitable on 07.03.2020. The photographs of the completed unit are appended at annexure R-10 of the reply. No specific defects have been pointed out by the complainants. The inspection of the unit was actually carried out on 17.10.2021. In fact, the complainants vide email dated 14.09.2020 informed that they are not in hurry to take possession and not to impose any financial implication on them. All defects pointed out by the complainants were rectified and a number of reminders were sent by the respondent to the complainants to take over the unit after paying the CAM charges, stamp duty and holding charges. Now the complainants have come up with additional allegations like connecting road etc. which are an after thought.



HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

CA/1434/2022

New PWD Rest House, Civil Lines, Gurugram, Haryana

नया पी.एन.डी. के. विभाग एवं सिविल लाइन्स, गुरुग्राम, हरियाणा

Arguments heard.

Order reserved.

Both the parties may submit brief submissions within a period of 2 weeks with an advance copy to each other.

Matter to come up on 27.03.2024 for pronouncement of order.

Ashok Sangwan
Member
07.02.2024