



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

52

Day and Date	Thursday and 02.05.2024
Complaint No.	CR/76/2022 Case titled as Birdhi Chand Khater VS Sunrays Hights Private Limited
Complainant	Birdhi Chand Khater
Represented through	Shri Rohit Sharma Advocate
Respondent	Sunrays Hights Private Limited
Respondent Represented	Shri Naveen Sharma Advocate
Last date of hearing	28.03.2024
Proceeding Recorded by	Naresh Kumari and HR Mehta

Proceedings

The present complaint has been received on 20.01.2022. The reply on behalf of respondent has not been received within the stipulated time period despite service of notice. Therefore, in view of order dated 07.12.2023, the defense of the respondent was struck off.

S.No.	Particulars	Details
1.	Name of the project	"Sixty-Three Golf Drive", Sector 63-A, Gurugram"
2.	Project area	5.9 acres
3.	Nature of the project	Affordable Housing Policy
4.	DTPC License no. and validity	82 of 2014 dated 08.08.2014 Valid up-to 07.08.2019
5.	Name of licensee	Sunrays Heights Pvt. Ltd., Smt. Kiran W/o Dharam
6.	RERA registration details	Registered 249 of 2017 dated 26.09.2017
7.	Allotment letter	11.01.2016 (page 27 of complaint)
8.	Flat Buyer's agreement	04.03.2016 (page 04 of complaint)



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9.	Unit no.	D-22 (Page 27 of complaint)
10	Unit area admeasuring	Carpet Area- 604.83 sq.ft Balcony Area- 95.10 sq.ft. (Page 27 of complaint)
11	Possession clause	4-Possession <i>The developer shall endeavour to handover possession of the said flat within a period of 4 years i.e. 48 months from the date of commencement of project, subject to force majeure & timely payment by the allottee towards the sale consideration, in accordance with the terms as stipulated in the present agreement.</i> <i>*Note: As per affordable housing policy 2013</i> <i>1(iv) 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 licence shall not be renewed beyond the said 4 years from the date of commencement of project.</i>
12	Environmental Clearance	16.09.2016 (page 10 of complaint)
13	Building plan approval	10.03.2015 (taken from another file CR/2814/2021 decided on 30.11.2023 of same project)
14	Due date of possession	16.03.2021 (calculated from the date of environmental clearance with additional grace period of 6 months in lieu of covid-19)
15	Total sale consideration	Rs.24,66,870/- (page 43of complaint)
16	Amount paid by the complainant	Rs.22,45,862/- (as per additional documents submitted by complainant)



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17	Final reminder	14.03.2024 (submitted by complainant during proceedings dated 28.03.2024)
18	Occupation certificate	Not obtained
19	Offer of possession	Not offered

The complainant has sought following relief(s):

1. Direct the respondent to handover the physical possession.
2. Direct the respondent to pay delay possession charges.
3. Direct the respondent to pay litigation cost of Rs.1,00,000/-.

The counsel for the complainant states that the respondent has issued cancellation letter to the complainant which is not valid as the complainant has already paid 85% amount of the total sale consideration. The respondent is directed not to create third party rights w.r.t the unit of the complainant.

The counsel for the respondent has filed written submissions today with an advance copy to the counsel for the complainant.

Arguments heard.

Detailed order will follow. Matter stands disposed off.

V.1 - 3
Vijay Kumar Goyal
Member
02.05.2024