



**HARERA**  
**GURUGRAM**

**HARYANA REAL ESTATE REGULATORY AUTHORITY**  
**GURUGRAM**

हरियाणा मू-संपदा विनियामक प्राधिकरण, गुरुग्राम

New FWD Rest House, Civil Lines, Gurugram, Haryana

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

**PROCEEDINGS OF THE DAY**

**18**

Day and Date	Wednesday and 15.02.2023
Complaint No.	CR/760/2020 Case titled as ASHISH JAIN Vs MAXWORTH INFRASTRUCTURE PVT. LTD.
Complainant	ASHISH JAIN
Represented through	Shri Ravi Rao proxy counsel
Respondent	MAXWORTH INFRASTRUCTURE PVT. LTD.
Respondent Represented	Ms. Neha Sharma proxy counsel
Last date of hearing	05.01.2023
Proceeding Recorded by	Naresh Kumari and HR Mehta

**Proceedings**

The present complaint has been received on 17.02.2020 and the reply was received on 01.09.2022

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

S. No.	Heads	Details
1.	Name of the project	"City Residencies", Sector 10A, Gurugram
2.	Nature of the project	Residential
3.	Allotment Letter	12.10.2017 (Page 23 of complaint)
4.	Unit no.	602, 6 <sup>th</sup> floor, Block A (Page 27 of complaint)
5.	Unit area admeasuring	1600 sq. ft. (Page 27 of complaint)
6.	Date of execution of Apartment Buyer's Agreement	13.10.2017 (Page 25 of complaint)



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CA 16/21/2020

New PWD Resi House, Civil Lines, Gurugram, Haryana

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

7	Possession clause	14. <i>Developer will based on its present plans and estimates and subject to all just exceptions, contemplates to give / offer possession of Unit to Buyer(s) within 36/3 months/years from the date commencement of construction of that particular tower where Buyer(s) unit is located (with a grace period of 6months), subject to force majeure events or governmental action/inaction or due to failure of Buyer(s) to pay in time the price of the said Unit along with other charges and dues in accordance with the schedule of payments or any other activity of Buyer(s) deterrent to the progress of the Project. However the Buyer(s) is entitled to Rs. 5/- per Sq. ft. per month for the delay in offering possession beyond the said period. That the Buyer(s) shall take possession of the Unit within 30 days from the date of issuance of final notice of possession failing which the Buyer(s) shall be deemed to have taken possession of the Unit on 30 day of such notice. In such case the developer shall not be responsible for any encroachment in the Unit occasioned due to failure of the Buyer(s) to take possession within the stipulated time. Besides, holding charges @Rs.5/- per sq. ft. per month and the maintenance charges, as determined by the Developer / Maintenance Agency, shall also be payable by the Buyer(s). However, the Buyer(s) shall be responsible and liable for all civil and liabilities, which may accrue qua such Unit.</i>
8	Date of start of construction	15.12.2014 (Annexure P4 at page 44 of complaint as decided in proceedings dated 25.08.2022)
9	Due date of possession	15.06.2018 (As decided by Authority in proceedings dated 25.08.2022)
10	Total sale consideration	Rs. 78,00,000/- (As per BBA on page 29 of complaint)
11	Amount paid by the complainant	Rs. 40,00,000/- (As per receipts annexed at P-5)



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CR/160/2020

New PWD Rest House, Civil Lines, Gurugram, Haryana

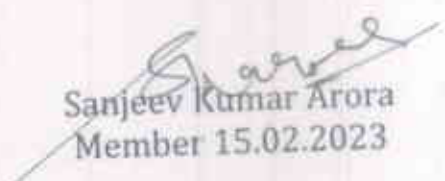
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		Amount paid by bank: RS. 54,00,000/- (SOA at annexure P-7)
12	Occupation certificate /Completion certificate	Not annexed
13	Offer of possession	Not offered

**1. Direct the respondent to pay delayed possession charges and handover possession of the unit.**

Considering the above-mentioned facts, the authority calculated due date of possession as per clause 14 of the BBA which stipulates that the possession to give / offer possession of Unit to Buyer(s) within 36/3 months/years from the date commencement of construction of that tower where Buyer(s) unit is located. As such the due date of possession comes out to be 15.06.2018. Therefore, the authority allows DPC w.e.f. due date of delivery of possession i.e. 15.06.2018 till the date of offer of possession.

The matter stands disposed of. Detailed order will follow. File be consigned to registry.

  
Sanjeev Kumar Arora  
Member 15.02.2023