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HARYANA REAL ESTATE REGULATORY AUTHORITY
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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		12
Day and Date	Friday and 24.01.2025	
Complaint No.	CR/7687/2022 Case titled as Sheenu Malhotra VS Ansal Housing Limited & Ish Kripa Properties Pvt Ltd.	
Complainant	Sheenu Malhotra	
Represented through	Ms. Priyanka Agarwal Advocate	
Respondent	Ansal Housing Limited & Ish Kripa Properties Pvt Ltd.	
Respondent Represented	None	
Last date of hearing	27.09.2024	
Proceeding Recorded by	Naresh Kumari and HR Mehta	
Proceedings		
The present complaint has been received on 20.12.2022 and the reply on behalf of respondent no. 1 was received on 30.07.2024.		
Succinct facts of the case are as under:		
S.N.	Particulars	Details
1.	Project name and location	“Estella” , Sector 103 Gurugram
2.	Nature of project	Group Housing Project
3.	RERA registered/not registered	Not registered
4.	Date of builder buyer agreement	03.10.2012 (page no. 26 of complaint)
5.	Unit no.	K-0803 (page no. 31 of complaint)



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CR-7687/2022

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6.	Area admeasuring	1330 sq. ft. (page no. 31 of complaint)
7.	Possession clause	30 The Developer shall offer possession of the Unit any time, within a period of 36 months from the date of execution of Agreement or within 36 months from the date of obtaining all the required sanctions and approval necessary for commencement of construction, whichever is later subject to timely payment of all the dues by Buyer and subject to force-majeure circumstances as described in clause 32. Further, there shall be a grace period of 6 months allowed to the Developer over and above the period of 36 months as above in offering the possession of the Unit. (Emphasis supplied)
8.	Due date of possession	03.04.2016 (36 months from the date of agreement i.e 03.10.2012 as the date of construction is not on record plus 6 months grace period allowed being unqualified)
9.	Total sale consideration	Rs. 43,41,250/- (as per payment plan on page no. 47 of complaint)
10.	Paid up amount	Rs.30,33,261/- (as stated by the complainant at page 5 of complaint)
11.	Occupation certificate	Not obtained
12.	Offer of possession	Not Offered

The counsel for the complainant states that the present complaint has been filed for grant of delayed possession charges and physical possession of the



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CR-168-1/2022

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unit alongwith other reliefs. Further states that the respondent has failed to obtain the occupation certificate and no offer of possession of the unit has been made.

Despite multiple opportunities, none is present on behalf of the respondents and hence, the case is being further proceeded on the basis of reply filed by the respondent No.1.

Arguments on behalf of the complainant heard.

In view of submissions made above, the delayed possession charges @ Rs. 11.10% per annum is allowed from the due date of possession 03.04.2016 till valid offer of possession plus two months after obtaining occupation certificate or handing over of possession, whichever is earlier.

Detailed order will follow. Matter stands disposed off.

V.K. - 5
Vijay Kumar Goyal
Member
24.01.2025