

| PROCEEDINGS OF THE DAY                                                                                          |                                                                                | 82                                                                                                                                           |
|-----------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|
| Day and Date                                                                                                    | Wednesday and 15.05.2024                                                       |                                                                                                                                              |
| Complaint No.                                                                                                   | CR/80/2024 Case titled as Kamal Rana VS Tashee Land Developers Private Limited |                                                                                                                                              |
| Complainant                                                                                                     | Kamal Rana                                                                     |                                                                                                                                              |
| Represented through                                                                                             | Shri Sushil Yadav Advocate                                                     |                                                                                                                                              |
| Respondent                                                                                                      | Tashee Land Developers Private Limited                                         |                                                                                                                                              |
| Respondent Represented                                                                                          | Shri Rishabh Jain Advocate                                                     |                                                                                                                                              |
| Last date of hearing                                                                                            | 06.03.2024                                                                     |                                                                                                                                              |
| Proceeding Recorded by                                                                                          | Naresh Kumari and HR Mehta                                                     |                                                                                                                                              |
| <b>Proceedings</b>                                                                                              |                                                                                |                                                                                                                                              |
| The present complaint was filed on 19.01.2024 and reply on behalf of the respondent was received on 08.05.2024. |                                                                                |                                                                                                                                              |
| Succinct facts of the complaint are as under:                                                                   |                                                                                |                                                                                                                                              |
| Sr. No.                                                                                                         | Particulars                                                                    | Details                                                                                                                                      |
| 1.                                                                                                              | Name of the project                                                            | Capital Gateway, Sector - 111, Gurugram                                                                                                      |
| 2.                                                                                                              | Project area                                                                   | 10.462 acres                                                                                                                                 |
| 3.                                                                                                              | Nature of the project                                                          | Group Housing Colony- Residential                                                                                                            |
| 4.                                                                                                              | DTCP license no. and validity status                                           | 34 of 2011 dated 16.04.2011 valid up to 15.04.2024                                                                                           |
| 5.                                                                                                              | Name of licensee                                                               | M/s KNS Infracon Pvt. Ltd. and 4 others                                                                                                      |
| 6.                                                                                                              | RERA Registered/ not registered                                                | Registered vide no. 12 of 2018 dated 10.01.2018 valid upto 31.12.2020 for phase-I (tower A to G) and 31.12.2021 for phase- II (tower H to J) |



|     |                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|-----|--------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 7.  | Unit no.                       | 104, 1 <sup>st</sup> floor, tower E<br>(BBA at page 18 of complaint)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 8.  | Unit area admeasuring          | 1760 sq. ft. (Super Area)<br>(BBA at page 18 of complaint)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 9.  | Date of execution of agreement | 07.12.2012<br>(Page 16 of complaint)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 10. | Possession Clause              | <b>Clause 2.1</b><br><b>"2. Possession</b><br>2.1 ....., the First Party/Confirming Party proposes to handover the possession of the flat to the purchaser <b>within approximate period of 36 months from the date of sanction of the building plans of the said colony.</b> The Purchaser agrees and understands that the First Party/Confirming Party <b>shall be entitled to a grace period of 180(one hundred and eighty) days, after expiry of 36 months,</b> for applying and obtaining occupation certificate in respect of the Colony from the concerned authority....."<br>(Emphasis supplied)<br>(BBA at page 24 of complaint) |
| 11. | Due date of possession         | 07.12.2015<br>As per information obtained by planning branch, building plan approved on 07.06.2012.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 12. | Total sale consideration       | Rs.70,49,640/-<br>(As alleged by complainant at page 5 of complaint)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 13. | Amount paid by the complainant | Rs.72,95,445/-<br>(As alleged by complainant at page 5 of complaint)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 14. | Occupation certificate         | Not obtained                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |





**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

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|-----|---------------------|-------------|
| 15. | Offer of Possession | Not offered |
|-----|---------------------|-------------|

The complainant is seeking physical possession of the unit to the complainant and DPC on account of failure of the respondent to hand over the unit in terms of BBA dated 07.12.2012 according to which the due date for handing over of possession was 07.06.2015 and the OC for the project has not been received till date.

The counsel for the respondent states that the project is complete and the application for grant of OC has been submitted in October, 2023 and the same is expected to be granted very shortly.

Notwithstanding the averment of the counsel for the respondent, it is a fact that there is a delay in handing over of possession and the case is covered u/s 18 (1) of the Act, 2016.

In view of the above, delayed possession charges are granted at the prescribed rate of interest i.e. 10.85% per annum from the due date of possession till valid offer of possession + 2 months or actual hand over of possession whichever is earlier. Further, the respondent is directed to hand over the possession of the unit within 2 months of receipt of occupation certificate subject to payment of dues, if any after adjusting DPC.

Detailed order will follow. Matter stands disposed off.

Ashok Sangwan  
Member  
15.05.2024