

<b>PROCEEDINGS OF THE DAY</b>		52
Day and Date	Wednesday and 08.05.2024	
Complaint No.	CR/8026/2022 Case titled as Manoj Kumar VS Ocean Seven Buildtech Private Limited	
Complainant	Manoj Kumar	
Represented through	Shri Harshit Batra Advocate	
Respondent	Ocean Seven Buildtech Private Limited	
Respondent Represented through	Shri Arun Yadav Advocate	
Last date of hearing	07.02.2024	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

### Proceedings

The present complaint was filed on 25.01.2023 and reply on behalf of respondent was received on 31.01.2024.

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

S. N.	Particulars	Details
1.	Name of the project	"Expressway Towers", Sector 109, Gurugram
2.	Nature of the project	Affordable Housing
3.	DTCP license no. and validity status	6 of 2016 dated 16.06.2016
4.	RERA Registered/ not registered	301 of 2017 dated 13.10.2017 valid upto 12.10.2021
5.	Allotment Letter	01.04.2017 (page 18 of complaint)
6.	Unit no.	<b>708, Tower 1, 7<sup>th</sup> Floor</b> (Page 26 of complaint)
7.	Unit area admeasuring	324 sq. ft. (carpet area), 69 sq.ft balcony area

(Page 26 of complaint)		
8.	Date of execution of Apartment Buyer's Agreement	22.03.2021
9.	Possession clause	<b>5.2 Possession Time</b> <i>"The Company shall sincerely endeavor to complete construction of the said unit <b>within 5 years from the date of receiving of licence (commitment period)</b>, but subject to force majeure clause of this Agreement and timely payment of installments by the Allottee(s). However company completes the construction prior to the period of 5 years the Allottee shall not raise an in taking the possession after payment of remaining sale price and other charges stipulated in the to Sell. The Company on obtaining certificate for occupation and use by the Competent Authority hand over the said unit to the Allottee for his/her/their occupation and use, subject to the All complied with all the terms and conditions of the said Policy and Agreement to Sell and payments made as per Payment Plan."</i>
10.	Possession clause in Affordable Housing Policy	<b>1 (iv)</b> All such projects shall be required to be necessarily completed within <b>4 years from the date of approval of building plans or grant of environmental clearance</b> , whichever is later. This date shall be referred to as the "date of commencement of project" for the purpose of the policy.
11.	Date of environmental clearance	Not provided
12.	Date of approval of building plans	26.09.2016 (As per project details)
13.	Due date of possession	26.03.2020 (Calculated as 4 years from date of approval of building plans i.e., 26.09.2016 as per policy, of 2013 + 6 months as per HARERA notification no. 9/3-2020 dated 26.05.2020 for the projects having completion date on or after 25.03.2020.)

14.	Total sale consideration	Rs.13,30,500/- + taxes (As per BBA on page 26 of complaint)
15.	Amount paid by the complainant	Rs.13,87,046/- (As per demand letter on page 55 of complaint and payment acknowledgement on page 56 of complaint)
16.	Occupation certificate /Completion certificate	Not obtained
17.	Offer of possession	Not offered

The counsel for the respondent states that the reply already filed in the matter may be considered on merits as the same has been filed before the last date of hearing on which the defence of the respondent was struck off due to non payment of cost.

In the interest of justice, the reply is taken on record subject to payment of cost which is still pending.

The complainant is seeking DPC and directions for handing over of possession after obtaining an occupation certificate. The OC for the project has not been received till date. The rest of the reliefs are not being pressed as the same are being addressed in the suo motu proceedings before the authority.

In the meantime, the respondent is directed to file SoA for the unit in question within a period of 15 days with a copy to the counsel for the complainant.

Arguments heard.

Order reserved.

Matter to come up on **24.07.2024** for pronouncement of order.

Ashok Sangwan  
Member  
08.05.2024