



HARERA
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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

84

Day and Date	Friday and 12.07.2024
Complaint No.	CR/926/2023 Case titled as Vishal Taneja VS Almond Infrabuild Private Limited
Complainant	Vishal Taneja
Represented through	Shri K.K. Jain Advocate
Respondent	Almond Infrabuild Private Limited
Respondent Represented through	S/Shri Vivek Sethi and Vinayak Gupta Advocates
Last date of hearing	12.04.2024
Proceeding Recorded by	Naresh Kumari and HR Mehta

Proceedings

The present complaint has been filed on 01.03.2023 and reply has been received from respondent on 23.02.2024.

S. No.	Heads	Information
1.	Name of the project	"ATS Tourmaline", Sector- 109, Gurgaon
2.	Nature of project	Group housing project
3.	DTPC License no.	250 of 2007 dated 02.11.2007 Valid till 01.11.2019 Licensed area 19.768 acres Name of licensee Raj Kiran & 2 others
4.	RERA registered/not registered	Registered vide registration no. 41 of 2017 dated 10.08.2017
	Validity status	10.08.2023
5.	Tri-partite agreement	14.04.2014



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	dated	[As per page no. 23 of complaint-HDFC]
6.	Unit no.	3183 on 18 th floor of tower 03 [As per page no. 31 of complaint]
7.	Unit area admeasuring	2150 sq. ft. – super area 1797 sq. ft. [carpet area] [As per page no. 31 of complaint] <u>Area details at the time of CD</u> 2150 sq. ft.- super area 1347 sq. ft. [carpet area] [As per page no. 80 of complaint] <i>Reduced area – 450 sq. ft.</i>
8.	Date of apartment buyer agreement	24.03.2014 [As per page no. 28 of complaint]
9.	Payment plan	Subvention payment plan [As per page no. 61 of complaint]
10.	Total sale consideration	Rs. 1,81,11,250/- [As per payment plan annexed as schedule IV on page no. 61 of complaint]
11.	Amount paid by the complainant	Rs. 1,81,11,250/- [As alleged by the complainant on page no. 19 of complaint]
12.	Possession clause	Clause 6.2 <i>The Developer endeavour to complete the construction of the apartment within 42 months from the date of this agreement (completion date). The company will send possession notice and offer possession of the Apartment to the applicant as and when the company receives the occupation certificate</i>



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			<i>from the competent authority.</i>
13.	Due date of possession		24.09.2017 [Calculated from the date of agreement i.e., 24.03.2014]
14.	Occupation certificate		09.08.2019 [As per page no. 15-16 of reply]
15.	Offer of possession		09.08.2019 [As per page no. 69 of complaint]
16.	Conveyance deed		16.01.2023 [As per page no. 75 of complaint]

The counsel for the complainant states that the complainant is seeking delay possession charges and refund of the loss of area on account of gap as per the area in BBA which was 1797 and the actual delivered was 1347. Further submitted that possession of the unit was taken in March 2022.

The counsel for the respondent states that the area delivered is as per the BBA and they are also in the process of getting third party report/inspection got conducted and shall be filing the report of that third party expert within 3 weeks.

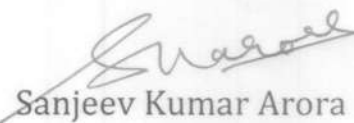
The counsel for the complainant has filed copy of order of authority dated 01.05.2024 in CR No.1045 of 2022 in which at para No.26, the LC of the authority has clearly stated that there is a gap as per his report and as per BBA and hence, the same should be considered while drawing opinion about this particular case. Further stated that the CD of the unit has already been executed on 16.01.2023.

Arguments heard.

Order reserved.

Both the counsels for the parties are directed to file written submissions within 2 weeks with an advance copy to each other.

Matter to come up on 09.08.2024 for pronouncement of order.


Sanjeev Kumar Arora
Member