

<b>PROCEEDINGS OF THE DAY</b>		<b>40</b>
Day and Date	Thursday and 01.12.2022	
Complaint No.	CR/2494/2022 Case titled as Anchal Garg Vs Almonds Infrabuild Private Limited	
Complainant	Anchal Garg	
Represented through	Shri Shashi Kant Sharma Advocate	
Respondent	Almonds Infrabuild Private Limited	
Respondent Represented	Ms. Yamini proxy counsel	
Last date of hearing	1.9.2022	
Proceeding Recorded by	Naresh Kumari	
<b>Proceedings</b>		
The present complaint has been received on 07.06.2022 and the reply on behalf of the respondent was filed on 20.09.2022.		
Succinct facts of the case as per complaint are as under:		
S. N.	Particulars	Details
1.	Name of the project	"ATS Tourmaline", Sector- 109, Gurgaon
2.	Nature of project	Group housing project
3.	<b>DTPC License no.</b>	250 of 2007 dated 02.11.2007
	Validity status	01.11.2019
	Licensed area	19.768 acres
	Name of licensee	Raj Kiran & 2 others
4.	<b>RERA registered/not registered</b>	Registered vide registration no. 41 of 2017 dated 10.08.2017



**HARERA**  
**GURUGRAM**

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

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

CR/2011/2022

New PWD Rest House, Civil Lines, Gurugram, Haryana नया पी.डब्ल्यू.डी. विश्राम गृह, सिविल लाईंस, गुरुग्राम, हरियाणा

	Validity status	10.08.2023
5.	Application dated	27.08.2013 [As per page no. 22 of complaint]
6.	Unit no.	4061 on 6 <sup>th</sup> floor of tower 04 [As per page no. 22 of complaint]
7.	Unit area admeasuring	1750 sq. ft. [Super area] [As per page no. 18 of complaint]
8.	Date of apartment buyer agreement	17.12.2013 [As per page no. 20 of complaint]
9.	Date of apartment agreement <b>Duplicate buyer</b>	20.09.2014 [As per page no. 54 of complaint] <i>As the original buyer's agreement was mis-placed, new buyer's agreement was executed inter-se parties.</i>
10.	Payment plan	Construction linked payment plan [As per page no. 87 of complaint]
11.	Total sale consideration	Rs. 1,42,68,750/- [As per payment plan annexed as schedule IV on page no. 87 of complaint]
12.	Amount paid by the complainant	Rs. 1,49,72,563/- [As alleged by the complainant on page no. 06 of complaint]
13.	Possession clause	<b>Clause 6.2 of 2<sup>nd</sup> agreement</b> <i>The Developer endeavour to complete the construction of the apartment <u>within 42 months from the date of this agreement (completion date)</u>. The company will send possession notice and</i>



**HARERA**  
**GURUGRAM**

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

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

CR/2024/2022

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

		<i>offer possession of the Apartment to the applicant as and when the company receives the occupation certificate from the competent authority.</i>
14.	Due date of possession	<b>20.03.2018</b> [Calculated from the date of agreement i.e., 20.09.2014]
15.	Occupation certificate	09.08.2019 [As per page no. 40 of reply]
16.	Offer of possession	<b>09.08.2019</b> [As per page no. 118 of complaint]
17.	Emails dated seeking possession of the allotted unit	02.12.2020, 10.01.2021, 08.04.2021, 17.01.2022 & 17.01.2022 (As per page no. 126-130 of complaint)
18.	Respondent reply to emails of the complainant	02.02.2022 (As per page no. 125 of complaint)

The counsel for the complainant requests for grant of delay possession charges till handing over of possession as the offer of possession earlier made on 09.08.2019 is not a valid offer of possession before the unit is still not ready and not fit for occupation as even the basic fixtures of doors, windows, electric writing, sanitary items are not yet provided. The respondent in reply is also evasive in providing the reasons for same and not able to yet specify any specific date by which the above amenities shall be completed. The proxy counsel for the respondent requests for a short adjournment for filing the detailed status of the unit alongwith provisions of other amenities within 15



**HARERA**  
**GURUGRAM**

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


हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम  
01.12.2022

New PWD Rest House, Civil Lines, Gurugram, Haryana नया पी.डब्ल्यू.डी. विश्राम गृह, सिविल लाईंस, गुरुग्राम, हरियाणा

days alongwith photographs in the registry of authority after supplying a copy to the counsel of the complainant.

Matter to come up on 20.04.2023 for further proceedings.

  
Sanjeev Kumar Arora  
Member

  
Vijay Kumar Goyal  
Member  
01.12.2022