

**PROCEEDINGS OF THE DAY**

Day and Date	Wednesday and 17.07.2019
Complaint No.	691/2019 Case titled as Kuldip Singh vs JMD Ltd
Complainant	Kuldip Singh
Represented through	Shri Aditya Bhardwaj Advocate for the complainant
Respondent	JMD Ltd
Respondent Represented through	Shri K.B.Thakur Advocate for the respondent
Last date of hearing	First hearing
Proceeding Recorded by	Naresh Kumari, S L Chanana

**Proceedings**

**Project is registered with the authority.**

Arguments heard.

As per clause 15 of the Commercial Space Buyer's Agreement dated 27.8.2010 for office space No.CW-322, 3<sup>rd</sup> floor, in project "JMD Suburio" Sector-67 Gurugram, possession was to be handed over to the complainant within a period of 3 years from the date of sanction of revised building plans i.e. 13.11.2013 + 6 months grace period which comes out to be 13.05.2017.

As per copy of Memo No.5143 dated 03.05.2017 addressed to the Additional Chief Engineer, HUDA, Gurugram, internal development works in the area under Licence No. 291 of 2007 in Sector 67, Gurugram have been verified and completed in all respects whereas the office of DTCP, Haryana,

did not issue Occupation Certificate falling in commercial colony in time. Hence, the delay in issuance of OC by the competent authority was not under the control of the promoter. Therefore, the date 03.05.2017 which is a date for completion of internal development works verified by the concerned office of HUDA should be taken while calculating the delay period in handing over of possession for which delay interest is to be paid by the respondent to the complainant. Occupation certificate was received by the respondent on 18.10.2018. After receipt of OC, they have offered the possession of the unit to the complainant on 3.12.2018. Complainant has already paid Rs.36,39,856/- to the respondent against a total sale consideration of Rs.37,85,814/-. Respondent As such, complainant is entitled for delayed possession charges at prescribed rate of interest i.e. 10.60% per annum w.e.f 13.5.2017 as per the provisions of section 18 (1) of the Real Estate (Regulation & Development) Act, 2016. till 3.12.2018.

Complainant is directed to pay outstanding dues, if any, after adjustment of interest for the delayed period.

The promoter shall not charge anything from the complainant which is not part of the BBA.

Interest on the due payments from the complainant shall be charged at the prescribed rate of interest i.e. 10.60% by the promoter which is the same as is being granted to the complainant in case of delayed possession.

The arrears of interest accrued so far shall be paid to the complainant within 90 days from the date of this order.



**HARERA**  
**GURUGRAM**


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

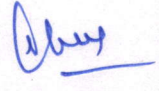
हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

Complaint stands disposed of. Detailed order will follow. File be  
consigned to the registry.

  
Samir Kumar  
(Member)  
17.07.2019

  
Subhash Chander Kush  
(Member)