



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

11

PROCEEDINGS OF THE DAY

Day and Date	Thursday and 08.09.2022
Complaint No.	CR/4989/2021 Case titled as Shambhu Kumar Singh and Aparna Singh Vs Emaar MGF Land Limited
Complainant	Shambhu Kumar Singh and Aparna Singh
Represented through	Shri Ravi Agarwal Advocate
Respondent	Emaar MGF Land Limited
Respondent Represented	Shri Dhruv Rohatgi Advocate
Last date of hearing	18.05.2022
Proceeding Recorded by	Naresh Kumari and HR Mehta

Proceedings

The present complaint has been received on 28.12.2021 and the reply was received on 22.02.2022.

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

Sr. No.	Particulars	Details
1.	Name of the project	Gurgaon Greens, Sector 102, Gurugram, Haryana
2.	Total area of the project	13.531 acres
3.	Nature of the project	Group Housing Colony
4.	DTCP license no.	75 of 2012 dated 31.07.2012
	Validity of license	30.07.2020
	Licensee	Kamdhenu Projects Pvt. Ltd. & Anr.

An Authority constituted under section 20 the Real Estate (Regulation and Development) Act, 2016
Act No. 16 of 2016 Passed by the Parliament

भू-संपदा (विनियमन और विकास) अधिनियम, 2016 की धारा 20 के अंतर्गत गठित प्राधिकरण
भारत की संसद द्वारा पारित 2016 का अधिनियम संख्यांक 16



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5.	HRERA registered/ not registered	Registered vide no. 36(a) of 2017 dated 05.12.2017 for 95829.92 sq. mtrs.
	HRERA registration valid up to	31.12.2018
	HRERA extension of registration vide	01 of 2019 dated 02.08.2019
	Extension valid up to	31.12.2019
6.	Occupation certificate granted on	30.05.2019 [annexure R5, page 126 of reply]
7.	Date of booking	27.01.2020 [Page 91 of complaint]
8.	Provisional allotment letter dated	07.02.2020 [page 34 of complaint]
9.	Unit no.	GGN-22-0902, 9 th floor, building no. 22 [page 55 of complaint]
10.	Unit measuring	1650 sq. ft. (super area) 1022.58 sq. ft. (carpet area)
11.	Date of execution of buyer's agreement	10.02.2020 [page 47 of complaint]
12.	Possession clause	7. POSSESSION AND SALE DEED <i>(a) The Allottee is aware that the Company has received the Occupation Certificate for the Unit vide Memo no. ZP-835/AD(RA)/2018/13010 dated 30-MAY-2019. The Company shall issue intimation of Possession letter (IOP) <u>as per the schedule of payment annexed as Annexure-III to the Allottee</u>, who shall remit balance Total Consideration and any other unpaid amounts as provided therein and as otherwise applicable including but not limited to</i>

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		<p><i>entire stamp duty, registration charges and other incidental charges. The Allottee shall also complete such documentary requirements i.e. indemnities, undertakings, Maintenance Agreement etc. in the formats prescribed by the Company within 30 (Thirty) days from the date of issuance of IOP. The Company will within 45 (Forty-Five) days thereafter, from the date of compliance of said requisite formalities by the Allottee under the IOP, be ready to handover the possession of the Unit to the Allottee. The Allottee agrees and confirms to sign and execute the conveyance deed at the time of handover of the Unit.</i></p> <p>(emphasis supplied) [page 62 of complaint]</p>	
13.	Due date of possession	90 days from reg. BA (10.05.2020) or intimation of possession (08.05.2020), whichever is later.	
14.	Total consideration	As per statement of account dated 29.12.2021 at page 123 of reply	As per the payment plan annexed with the buyer's agreement
		Rs.93,86,848/-	Rs.93,60,511/-
15.	Total amount paid by the complainants as per statement of account dated 29.12.2021 at page 123 of reply	Rs. 93,86,848/-	
16.	Offer of possession	08.05.2020 [annexure R8, page 133 of reply]	
17.	Unit handover letter dated	20.08.2020 [annexure R9, page 141 of reply]	
18.	Conveyance deed executed on	21.09.2020	

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CR/189/2024

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[annexure R10, page 145 of reply]

The complainants are seeking the following reliefs:

- 1. Direct the respondent to pay delay interest @ 18% per annum on the amount paid by the complainants from the date of deemed possession as per the buyer's agreement till actual possession of the said unit.**

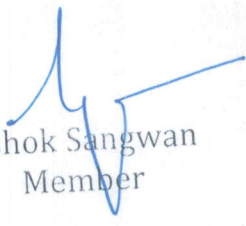
No case is made out for allowing delayed possession charges u/s 18 (1) of the Act, 2016. The counsel for the complainant failed to convince us as to under what section or provisions of law he is seeking delayed possession charges. If he has not been given possession and suffered loss due to that he may approach the AO for compensation.

- 2. Direct the respondent to provide maintenance account statement of the complainants for maintenance amount taken by the respondent in advance for 2 years.**

The maintenance charges are to be levied from the actual date of possession and maintenance charges only for one year may be taken in advance and not for future.

Matter stands disposed off. File be consigned to the registry.


Sanjeev Kumar Arora
Member


Ashok Sangwan
Member


Dr. K.K. Khandelwal
Chairman
08.09.2022