

PROCEEDINGS OF THE DAY		82
Day and Date	Wednesday and 26.07.2023	
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 Advocate	
Last date of hearing	18.05.2023	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings

The present complaint has been received on 07.06.2022 and the reply on behalf of the respondent was filed on 20.09.2022.

On 01.12.2022, it was submitted by the complainant that despite offer of possession, the unit is not complete, the basic amenities such as doors, windows, electric wiring, sanitary items are not yet provided. The respondent on the other hand submitted that the offer has already been made on 09.08.2019. In view of said circumstance, vide proceedings of even date the respondent was directed to file detailed status of the unit along with provisions of other amenities within 15 days. Both the parties in this regard has filed photographs of the subject unit on 23.12.2022 (respondent) and 17.04.2023.

To clear the position, Executive Engineer/ Local Commission was appointed vide proceedings dated 20.04.2023 with a direct to visit the site and submit his report w.r.t status of subject unit w.r.t completion report of finishing work in terms of BBA. The report of LC has been filed on record and as per said report following submissions are made:-

(A) *The furnishing works in the unit of complainant as per the agreed BBA is near about complete as the wardrobes, flooring, modular*



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हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

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

kitchen, plumbing and tiles in bathroom, split AC, electrical wiring, doors in the unit, window/UPVC work has been completed in the unit.

(B) *As per the commitment done by the respondent, they will give handover to the complainant by 17.05.2023 last.*

(C) *The balance work such as CP and chinaware fittings, fixtures in the kitchen, final coat of paint will be done always one day before of handover only.*

(D) *As per the condition of the unit, it will take near about 4-5 days only to complete the balance work such as paint work and wooden flooring of 2 rooms, switch socket installation, CP and chinaware fittings, fixtures in the kitchen.*

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.	DTPC License no.	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.	RERA registered/not registered	Registered vide registration no. 41 of 2017 dated 10.08.2017
	Validity status	10.08.2023
5.	Application dated	27.08.2013 [As per page no. 22 of complaint]
6.	Unit no.	4061 on 6 th floor of tower 04 [As per page no. 22 of complaint]



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CR/2494/2022

New PWD Rest House, Civil Lines, Gurugram, Haryana

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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 Duplicate apartment buyer agreement	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	Clause 6.2 of 2nd agreement <i>The Developer endeavour to complete the construction of the apartment <u>within 42 months from the date of this agreement</u> (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 from the competent authority.</i>
14.	Due date of possession	20.03.2018

		[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	09.08.2019 [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 respondent states that they are yet to obtain the LC report. The matter is being unnecessarily delayed. The respondent was directed to obtain the report of LC in case they so wished on 18.05.2023 and they have chosen not to do so.

Matter to come up on **04.10.2023** for orders.


Ashok Sangwan
Member
26.07.2023