



HARERA
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HARYANA REAL ESTATE REGULATORY AUTHORITY
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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

PROCEEDINGS OF THE DAY		13
Day and Date	Wednesday and 08.11.2023	
Complaint No.	CR/5392/2022 Case titled as Ashish Dalal VS Jasmine Build Mart Private Limited	
Complainant	Ashish Dalal	
Represented through	Shri Ishaan Dang Advocate	
Respondent	Jasmine Build Mart Private Limited	
Respondent Represented	Shri Shivam Rajpal Advocate	
Last date of hearing	16.08.2023	
Proceeding Recorded by	Naresh Kumari	

Proceedings

The present complaint was received on 01.08.2022 and the reply on behalf of respondent was filed on 14.11.2022.

The counsel for the complainant is seeking delayed possession charges on account of delay in handing over of possession of the unit by the respondent in terms of the BBA dated 27.12.2011 vide which the due date for handing over of possession was 27.11.2015 as stated by the counsel for the complainant (Calculated as 36 months from the date of start of construction). The possession of the apartment was handed over on 06.09.2021 and the offer of possession was made to the original buyer on 19.03.2020 and was finally taken over on 06.09.2021 by the original allottee. The subsequent allottee was endorsed as such on 07.01.2022. The conveyance deed for the unit was executed on 03.03.2022. The counsel for the complainant refers to order of this authority in CR No. 4031 of 2019 cited Varun Gupta Versus Emaar MGF Limited and states that his case is fully covered under the said order (para No.59 C & d).

The counsel for the respondent states at bar that the offer of possession was made to the original allottee much before the present complainant came into picture and refers to judgment of Hon'ble Supreme Court in Civil Appeal no.7042/2019 titled Laureate Buildwell Pvt. Ltd. versus Charanjit Singh and



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CR 534/2022

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

order of this authority in CR No. 800/2021 and states that the delayed possession charges shall be payable from the date the subsequent allottee stepped into the shoes of original allottee.


The counsel for the complainant states that the citation quoted by the counsel for the respondent has already been considered in the Varun Gupta judgment.

Arguments heard.

Parties may file written submissions if they so desired within a period of 15 days with an advance copy to each other.

Order reserved.

Matter to come up on **17.01.2024** for pronouncement of order.


Ashok Sangwan
Member
08.11.2023