

PROCEEDINGS OF THE DAY		49
Day and Date	Wednesday and 13.09.2023	
Complaint No.	CR/5877/2022 Case titled as Renu Gupta Vinit Gupta and Sunil Gupta Vs Essel Housing Projects Private Limited & PNB Housing Finance Limited	
Complainant	Renu Gupta Vinit Gupta and Sunil Gupta	
Represented through	Shri Garvit Gupta Advocate	
Respondent	Essel Housing Projects Private Limited & PNB Housing Finance Limited	
Respondent Represented	Shri Animesh Goyal Advocate for R1 None for respondent No.2	
Last date of hearing	23.08.2023	
Proceeding Recorded by	Naresh Kumari	

Proceedings

The present complaint has been received on 29.08.2022 and the reply on behalf of the respondent no. 2 was received on 24.03.2023 and the reply on behalf of respondent no. 1 was received on 31.03. 2023.

Case has been called out but no one has appeared on behalf of respondent No.2 today.

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

S. N.	Particulars	Details
1.	Name of the project	"Platinum Towers" Sector 28, Gurugram, Haryana
2.	Nature of the project	Group Housing Project



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HARYANA REAL ESTATE REGULATORY AUTHORITY
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हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

CA/5877/2022

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

3.	RERA Registered/ not registered	272/2018/04 dated 16.05.2018 valid upto 31.12.2023
4	Allotment letter	27.11.2018 (Page 38 of the complaint)
5	Tripartite agreement	21.12.2018 (Page 84 of the complaint)
6.	Unit no.	1002 tower no. platinum F (Page 53 of the complaint)
7.	Super area	2777 sq. ft. (Page 53 of the complaint)
8	Date of flat buyer's agreement	07.12.2018 (As per page no. 50 of the complaint)
9	Possession clause (7.1)	On or before December 2021
10.	Due date of possession	December 2021
11.	Total sale consideration	Rs. 58,26,3,300/- (As per page 53 of the BBA)
12.	Amount paid by the complainant	Rs. 4,94,10,457/- (As alleged by the complainant)
13	Occupation certificate	04.01.2023 (Page 25 of the reply)
14.	Offer of possession and payment of final instalment and other charges	04.03.2023



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The complainant is seeking amount of pre-EMIs paid by the complainant on behalf of the respondent and delayed possession charges. The counsel for the complainant states that the unit was to be handed over to the complainant in December, 2021 but offer of possession was made on 04.03.2023 and that too with unreasonable demand of Rs.10 Lakhs on account of delayed payment interest which is contrary to clause 9.2 of the BBA dated 07.12.2018 as per which the complainant had the right to stop payment in case the respondent failed to hand over possession of a habitable unit. The respondents are not handing over the possession of the unit to the complainant despite having paid more than the consideration price of the unit.

The counsel for the respondent No.1 seeks a short adjournment for arguments as the main counsel is busy in addressing arguments in District Courts, Gurugram. The respondent may file written arguments in the matter within a period of 2 weeks with an advance copy to the complainant.

Matter to come up on **27.09.2023** for pronouncement final arguments and orders.

Ashok Sangwan
Member
13.09.2023