

PROCEEDINGS OF THE DAY		41
Day and Date	Friday and 15.03.2024	
Complaint No.	CR/1555/2023 Case titled as Harish Kumar VS Pivotal Infrastructure Limited	
Complainant	Harish Kumar	
Represented through	Shri Kanish Bangia Advocate	
Respondent	Pivotal Infrastructure Limited	
Respondent Represented	Shri Sidhharth Sehjwal, AR	
Last date of hearing	01.12.2023	
Proceeding Recorded by	Naresh Kumari and HR Mehta	
<p style="text-align: center;">Proceedings</p> <p>On the last date of hearing, AR of the respondent stated that he shall file the written submissions within 15 days with an advance copy to the complainant. No written submissions have been filed till date.</p> <p>The present complaint was filed on 20.04.2023 and reply has been filed on 19.10.2023.</p>		
S. No.	Heads	Information
1.	Name and location of the project	"Paradise", Sector-62, Gurugram, Haryana
2.	Nature of the project	Affordable Housing
3.	DTCP license no. and validity status	05 of 2016 dated 30.05.2016 valid upto 29.05.2021 and 26 of 2014 dated 11.06.2014 valid upto 20.07.2021
4.	RERA registered/ not registered and validity status	Registered vide registration no. 173 of 2017 dated 01.09.2017 and valid up to 29.05.2021



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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

5.	Unit no.	802, 8 th floor, Tower - 5 (Page no. 38 of the complaint)
6.	Unit admeasuring	566 sq. ft. (Page no. 38 of the complaint)
7.	Date of booking	05.06.2017 (As per page 30 of complaint)
8.	Date of allotment	05.06.2017 (As per page 30 of complaint)
9.	Date of flat buyer's agreement	24.06.2017 (Page 37 of complaint)
10.	Total consideration	Rs. 23,09,500/- (As per page 40 of complaint)
11.	Total amount paid by the complainants	Rs. 24,67,323/- (As per page 28 of complaint) Rs. 23,09,500/- (As per page 5 of reply)
12.	Possession clause	8.1. <i>The company shall endeavour to complete the construction and handover the possession of the apartment within a period of said apartment within a period of 4 years from the date of grant of sanction of building plans for the project or the date of receipt of environmental clearances. (Emphasis supplied)</i>
13.	Date of approval of building plans	To be ascertained
14.	Date of environmental clearances	28.07.2017 (page 25 of reply)
15.	Due date of delivery of possession	28.01.2022 28.07.2021 + 6 months of grace period
16.	Occupation Certificate	Not obtained/to be ascertained



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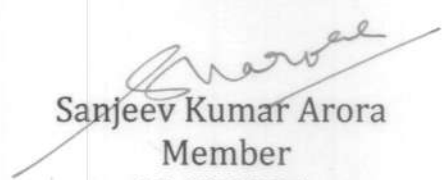
17.	Offer of possession	Not offered
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The counsel for the complainant states that they are seeking delayed possession charges as they have already paid 100% amount of the unit and due date of possession was 28.1.2022 (including six months grace period) and the respondent has not received the OC and offer the unit.

The counsel for the respondent states that they have applied for OC and they expect the OC will be received within next 2-3 months and post receipt of the OC they shall offer the unit to the complainant-allottee. Further stated that the construction of the project has been completed and respondent is waiting only for OC which is pre-requisite for making offer of possession to the allottee.

Undoubtedly, there is a delay in the handing over the unit. Hence the Delay possession charges @ 10.85% p.a. is hereby allowed from the due date of possession alongwith a direction to handover the possession within 60 days after obtaining OC from the competent authority. Further the respondent should not charge any charges beyond BBA.

Matter stands disposed off. Detailed orders will follow.


Sanjeev Kumar Arora
Member
15.03.2024