



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

PROCEEDINGS OF THE DAY		29
Day and Date	Friday and 29.03.2024	
Complaint No.0	CR/3669/2023 Case titled as Chirag Garg & ors. V/s Ramprastha Estates Pvt. Ltd.	
Complainants	Chirag Garg Neeraj Gupta Shaleen Aggarwal	
Represented through	Shri Harshit Batra Advocate	
Respondent	Ramprastha Estates Pvt. Ltd. & Ramprastha Promoters & Developers Pvt. Ltd.	
Respondent Represented through	Shri Divanshu Proxy Counsel	
Last date of hearing	15.12.2023	
Proceeding Recorded by	Naresh Kumari and HR Mehta	
Proceedings-cum-Order		
The present complaint has been received on 16.08.2023 and the reply was received on 28.11.2023.		
Succinct facts of the case are as under:		
S.N.	Particulars	Details
1.	Name of the project	"Ramprasth City", Sector 92,93AND 95, Gurgaon
2.	Project area	128.594 (Acre)
3.	Nature of the project	Residential colony
4.	DTCP license no.	44 of 2010



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5.	RERA Registration No.	GGM/379/129/2020/13 valid up to 31/12/2024
6.	Residential Plot no.	D90 block D [Annexure A at page no. 21 of the complaint]
7.	Area	418.60 sq.mtrs. [Annexure A at page no. 21 of the complaint]
8.	Date of buyer's agreement	24.10.2016 [Annexure A at page no. 18 of the complaint]
9.	Possession clause	Clause No. 11 "The company shall endeavor to offer possession of the said plot, within 30 months from the date of execution of the this agreement subject to timely payment by the intending allottee(s) of total price, stamp duty, registration charges and any other charges due and payable according to the payment plan. (Emphasis supplied)
10.	Due date of possession	24.04.2019 Calculated from the date of plot buyer agreement annexed at page no. 18 of the complaint
11.	Total sale consideration	Rs.83,50,000/- [Annexure 1(payment plan) at page no. 33 of the complaint]



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12.	Amount paid by the complainants	Rs. 63,70,000/- As per the last order passed by authority dated 24.03.2021 annexed on page no 37 of complaint
13.	Occupation certificate	Not obtained
14.	Offer of possession	Not offered

The counsel for the complainants stated that they have previously filed a complaint in which DPC was allowed by the authority and direction of possession was not there, hence they have filed this complaint for seeking possession of the unit as well as conveyance deed of the unit. On the last date of hearing, the respondent was directed to file the latest status of the application made for obtaining completion certificate but no reply has been filed till date.

The proxy counsel for the respondent states that he is not aware about the exact status of the application for completion certificate.

The counsel for the complainants further states that DPC already allowed by the authority has also not been paid/adjusted by the respondent till now. However, they are ready to pay the balance amount if any, after adjustment of DPC as already allowed and they are seeking possession of the unit after obtaining part CC/CC by the respondent from the competent authority.

Completion certificate is a pre-requisite for handing over the physical possession of the plot and since in the present matter no CC has been obtained till date from the competent authority accordingly, the respondent is directed to handover the possession of the unit under section 17(2) of the Act, 2016 within two months from the date of receiving CC from the competent authority subject to payment of outstanding dues, if any after adjustment of DPC as allowed vide order dated 24.03.2021. The respondent is further directed not to place any condition or ask the complainants to sign an indemnity/undertaking of any nature whatsoever, which is prejudicial to their rights as has been decided by the authority in complaint bearing no. **4031 of 2019 titled as Varun Gupta V. Emaar MGF Land Ltd.**

Furthermore, as per Section 17(1) of Act of 2016, the respondent is under obligation to get the conveyance deed executed. In the present case the



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possession of the allotted plot has not yet been handed over by the respondent to the complainants. Therefore, the respondent is directed to complete the construction of the subject unit complete in all aspects and obtain CC from the competent authority thereafter, execute a conveyance deed in favor of complainants within a period of three months from the date of obtaining CC from the competent authority.

Matter stands disposed of. File be consigned to registry.


Sanjeev Kumar Arora

Member

29.03.2024