



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		3
Day and Date	Friday and 24.05.2024	
Complaint No.	CR/1909/2022 Case titled as Minu Puri and Atul Puri VS Godrej Project Development Private Limited	
Complainant	Minu Puri and Atul Puri	
Represented through	Shri Aayush Sharma proxy counsel	
Respondent	Godrej Project Development Private Limited Magic Info Solution Pvt. Ltd.	
Respondent Represented	None	
Last date of hearing	03.05.2024	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings-cum-order

The present complaint has been received on 26.04.2022 and the reply on behalf of respondent no. 2 was received on 27.07.2022 whereas the reply on behalf of respondent no.1 has already been struck off on 03.11.2023.

Respondent no. 1 i.e., Godrej Projects Development Pvt. Ltd. on 27.07.2022 filed an application under Order 1 Rule 10 of CPC on the grounds that the respondent no. 1 is neither a necessary party nor a proper party as the reliefs claimed by the complainant can only be given by respondent no. 2 therefore, the authority may strike out its name from the present complaint.

The authority after due consideration of the facts and documents placed on records observes that the BBA was executed between the complainant and respondent no.1, respondent no. 2 and 4 other individual landowners. Furthermore, it is observed that the BBA does not display the signatures of any authorized signatory on behalf respondent no. 1 but only stamp and signatures of respondent no. 2 is there on the BBA. Moreover, the respondent no. 1 being the developer as per the development agreement dated 05.08.2011 as contained in clause (P) of the BBA is covered under the definition of "Promoter" under section 2(zk) of the Act, 2016 therefore, the authority opines that respondent



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no. 1 is a necessary party to the present complaint and is jointly and severally liable.

Succinct facts of the case are as under:

S.N.	Particulars	Details
1.	Name and location of the project	Godrej Sumit, Sector 104, Gurugram
2.	Project area	22.123 acres
3.	Nature of the project	Residential Housing
4.	DTCP license no. and validity status	102 of 2011 dated 7.12.2011
5.	Name of the Licensee	Godrej Premium Builders Limited
6.	RERA registered/ not registered and validity status	75 of 2017
7.	Unit no.	D-908, 9 th Floor, Tower D (Page no. 62 of the Complaint)
8.	Unit admeasuring	153.01sq. mtrs. (Page no. 62 of the complaint)
9.	Date of flat buyer's agreement (not registered)	25.11.2020 [pg. 54 of complaint]
10.	Allotment Letter	25.11.2020 [Page no 18 of Reply]
11.	Total consideration	Rs. 71,23,446/- [Page no. 66 of the complaint]
12.	Total amount paid by the complainants	Rs. 71,23,446/- [As per BBA at pg 66 of complaint]
13.	Possession Clause	4.2 Completion of construction <i>The apartment shall be ready for occupation within 36 months from the date of issuance of allotment letter (Tentative Completion</i>



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		<i>Date) Developer is entitled for grace period of 6 months over and above this 36-month period. Upon apartment being ready for possession and occupation the developer shall issue the possession notice to buyer of the apartment.</i>
14.	Due date of Possession	25.05.2024 (Calculated from the date of Allotment letter + 6 months grace period allowed being unqualified)
15.	Occupation certificate	26.12.2018-Tower 1, 4, convenient shopping & nursery & primary schools 20.06.2017- Tower 2,3,5,6,7 & community building 07.04.2017- Tower 8,9,10,11, EWS block, convenient shopping 2&3 and nursery school 2 * Tower 9 is tower D
16.	Offer of possession	Not known

The present matter has been filed by the complainants-allottees seeking the following reliefs:

- DPC from November 2020 till the registration of title of the subject unit is made in favour of complainants.**

As far as the above mentioned relief of DPC is concerned the authority observes that vide clause 4.2 of the BBA executed between the parties dated 25.11.2020 the possession of the said unit was to be handed over within 36 months from the dated of allotment letter i.e., 25.11.2020 with a grace period of 6 months over and above the said period of 36 months. Accordingly the due date of possession comes out to be 25.05.2024. Since the due date of possession as committed by the respondent in the BBA being executed between them has not yet lapsed therefore the complainants allottee are not entitled for any delay possession charges as there is no delay in handing over the possession till date. Moreover the proxy counsel for the complainants on last date of hearing dated 03.05.2024 has admitted that the possession of the subject unit has already being taken up by the complainants though the date of possession is not confirmed accordingly the possession has been delivered by the respondents within time and no case of DPC is made out accordingly the



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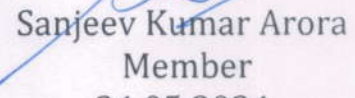
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said relief stands redundant. In view of the above the present complaint is not maintainable.

- 2. Direct the respondent to utilize the sum of ₹ 7,00,000/- paid towards registration of the title and maintenance and getting the same done in favour of the complainant or alternatively refund the said amount along with interest of 18% p.a.**

The authority w.r.t. the above said relief opines that the complainants at the time of BBA dated 25.11.2020, paid the full consideration towards the subject unit and further w.r.t the payment of ₹ 7,00,000/- the authority vide proceedings dated 09.02.2024 directed the complainants to submit the proof of having paid the same. On 19.04.2024 the complainants submitted supplementary documents filed by the complainant in compliance of the said orders of this Authority. The complainants submitted a handwritten note dated 04.12.2020 from respondent no. 2 of having received the payment of ₹ 7,00,000/- from the complainants. Therefore, it is being presumed by the authority that the said amount is being paid by the complainants for stamp duty and should be adjusted towards execution of conveyance deed. Further, the respondents are directed to adjust the said amount against amount of stamp duty payable for registration of the title and execute the conveyance deed in favour of the allottee as per section 17 of the Act, 2016 within 3 months of this order.

In view of the above findings the said matter stands disposed of. File be consigned to registry.


Sanjeev Kumar Arora
Member
24.05.2024