

PROCEEDINGS OF THE DAY
24

Day and Date	Tuesday and 01.10.2024
Complaint No.	CR/7420/2022 Case titled as Anurag Bohra and Vishakha Bohra VS Emaar MGF Land limited
Complainant	Anurag Bohra and Vishakha Bohra
Represented through	Shri Gaurav Rawat Advocate
Respondent	Emaar MGF Land limited
Respondent Represented	Shri Harshit Batra Advocate
Last date of hearing	16.07.2024
Proceeding Recorded by	Naresh Kumari and HR Mehta

Proceedings

The present complaint was filed on 21.12.2022 and the respondent has filed reply to the present complaint on 15.06.2023.

The respondent has filed an application dated 25.05.2023, with regard to dismissal of complaint that the complaint is barred by limitation as the complaint has filed lapse of 7 years from the date of execution of conveyance deed.

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

S. No.	Particulars	Details
1.	Name of the project	The Palm Drive, Sector 66, Gurugram, Haryana
2.	Unit no.	L-1203A, Tower-L
3.	Provisional allotment letter dated	25.10.2007 [annexure R1, page 29-38 of reply]
4.	Date of execution of buyer's agreement	11.03.2008 [page 39-93 of reply]
5	Agreement to sell dated	12.12.2011 [Page 107-111 reply]



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

CR/1420/2022

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

6	Indemnity cum undertaking of the transferor and transferee dated	14.03.2012 [page 112-116 of reply]
7	Nomination letter dated	21.03.2012 [page 122 of reply]
8	Possession clause	14. POSSESSION (a) Time of handing over the Possession <i>The company propose to handover the possession of the apartment/villa /penthouse by December 2010. The apartments allottee agrees and understand that the company shall be entitled for grace period of 90 days for applying and obtaining necessary approvals in respect of the group housing Complex.</i> (Emphasis supplied)
9	Due date of possession	March 2011 [Note: 90 days Grace period is included]
10	Total consideration as per statement of account dated 22.05.2023 at page 134 of reply	Rs.1,20,41,223/-
11	Total amount paid by the complainant as per statement of account dated 22.05.2023 at page 134 of reply	Rs.1,20,41,224/-
12.	Occupation certificate	01.04.2015 [annexure R8, page 123-125 of reply]
13.	Offer of possession	07.04.2015 (Page 126 of reply)
14	Indemnity cum undertaking	27.04.2015
15.	Unit handover letter issued in favour of the complainants on	22.07.2015 [Page 137 of reply]
16.	Conveyance deed executed on	30.11.2015 [Page 138-195 of reply]



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The complainant is seeking delayed possession charges from the due date of possession till offer of possession at the prescribed rate of interest and to set aside the indemnity bond.

The counsel for the respondent states that offer of possession was made on 7.4.2015 and a period of 3 years can be included in the offer of possession which comes out to be 7.4.2018. The period of limitation is over before the date of zero period of 15.3.2020 to 28.02.2022 allowed by Hon'ble Supreme Court in MA No.21 of 2022 of suo motu writ petition Civil No.3 of 2020 dated 10.01.2022.

In view of the above, the present complaint stands dismissed being not maintainable.

Detailed order will follow. Matter stands disposed off.

V. I. - 3
Vijay Kumar Goyal
Member


Arun Kumar
Chairman
01.10.2024