

PROCEEDINGS OF THE DAY		33
Day and Date	Wednesday and 14.05.2025	
Complaint No.	CR/2037/2024 Case titled as Vidya Devi VS Sunrays Heights Private Limited	
Complainant	Vidya Devi	
Represented through	Shri Vijay Pratap Singh Advocate	
Respondent	Sunrays Heights Private Limited	
Respondent Represented through	Shri Tushar Behmani Advocate	
Last date of hearing	02.04.2025	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings-cum-order

The present complaint was filed on 13.05.2024 and the reply on behalf of the respondent was received on 20.11.2024.

Succinct facts of the case are as follows:

S.No.	Particulars	Details
1.	Name of the project	"Sixty-Three Golf Drive", Sector 63-A, Gurugram"
2.	Project area	5.9 acres
3.	Nature of the project	Affordable Group Housing
4.	DTPC License no. and validity	82 of 2014 dated 08.08.2014 Valid upto 07.08.2019
5.	Name of licensee	Sunrays Heights Pvt. Ltd., Smt. Kiran W/o Dharam
6.	RERA registration details	Registered 249 of 2017 dated 26.09.2017
7.	Allotment letter	10.08.2017 (Page 19 of complaint)
	Builder Buyer Agreement executed on	15.06.2016 (Stamp paper annexed to BBA at Page 20 of complaint)
8.	Unit no.	C-128, Tower C (1BHK-Type A)

		(Allotment letter at page 19 of complaint)
9.	Unit area admeasuring	Carpet Area- 356.18 sq. ft Balcony Area- 69.84 sq. ft. (Allotment letter at page 19 of complaint)
10.	Possession clause	4- Possession "4.1 The developer shall endeavour to handover possession of the said flat within a period of 4 years i.e. 48 months from the date of commencement of project , subject to force majeure & timely payment by the allottee towards the sale consideration, in accordance with the terms as stipulated in the present agreement." *Note: As per affordable housing policy 2013 - "1(iv) All such projects shall be required to be necessarily completed within 4 years from the approval of building plans or grant of environmental clearance, whichever is later. This date shall be referred to as the " date of commencement of project " for the purpose of this policy. The licences shall not be renewed beyond the said 4 years period from the date of commencement of project."
11.	Date of building plan approval	10.03.2015 (Page 53 of reply)
12.	Date of environment clearance	16.09.2016 (Page 59 of reply)
13.	Due date of possession	16.03.2021 (Calculated from date of environment clearances i.e., 16.09.2016 being later, which comes out to be 16.09.2020 + 6 months as per HARERA notification no. 9/3-2020 dated 26.05.2020 for projects having completion date on or after 25.03.2020, on account of force majeure conditions due to outbreak of Covid-19 pandemic)
14.	Sale consideration	Rs. 14,59,640/- (as per BBA at page 34 of complaint)
15.	Amount paid by the complainant	Rs.11,60,717/- (as per Payment Plan Detail Report at page 79 of reply)
16.	Occupation certificate	Not obtained

		(Applied on 08.12.2023- Page 70 of reply)
17.	Offer of possession	Not offered
18.	Final Reminder sent by respondent to complainant	14.05.2024 (Page 71 of reply)
19.	Publication in newspaper	21.06.2024 (Page 75 of reply)

The complainants have sought the following relief(s):

1. Direct the respondent to pay interest @ 8.65% per annum as per the prevailing MCLR plus 2% on the paid amount of Rs.11,60,717/- for delay period starting from 15.03.2021 till the actual handover of physical possession or offer of possession plus 2 month after obtaining OC, whichever is earlier, as per the provisions of the Act.
2. **Direct the respondent to substitute name of original allottee late Smt. Vidya Devi to that of Smt. Hemlata Upadhyay.**
3. Direct the respondent not to cancel or create any third-party interest in the allotted unit and further handover actual physical possession of the unit after obtaining OC from the competent authority.
4. To issue the last demand as per Haryana Affordable Housing Policy towards consideration of the said flat in order to make the payment.
5. The Authority to guide as to in which bank account complainant should deposit last demand if raised by respondent as escrow account of respondent is freezed by Authority vide its order dated 12.02.2024.
6. Direct the respondent to get the copy of application for OC as such the respondent claims that they have applied for OC.

Vide proceedings dated 20.11.2024, the Authority directed the respondent to maintain status quo with respect to apartment allotted to the complainant till the decision of the case.

The counsel for the respondent points out that the complaint has initially been filed in the name of Smt. Vidya Devi with all relevant documents including power of attorney and affidavit signed and attested in the name of Smt. Vidya Devi who had expired on 14.01.2017 which was before the filing of the complaint. In view of the above, the complaint is liable to be dismissed.

The counsel for the complainant states that the mistake was committed out of ignorance and requests that the name of the legal heirs may be substituted.

The authority is of the view that the complaint cannot be proceeded in its present form. However, the counsel for the complainant may file a fresh complaint after impleading the relevant parties. So far as the issue of filing of the present



HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

CR/2037/2024

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

complaint with documents allegedly signed in the name of deceased original allottee is concerned, the matter is left to the parties to proceed in the manner, if so desired.

The present complaint is dismissed with liberty as observed above. File be consigned to the record.

Ashok Sangwan
Member
14.05.2025