

PROCEEDINGS OF THE DAY

Day and Date	Tuesday and 17.12.2019
Complaint No.	CR/4979/2019 Case titled as Emaar MGF Land Ltd. V/S Megha Gupta
Complainant	Emaar MGF Land Ltd.
Represented through	Shri J.K. Dang Advocate
Respondent	Megha Gupta
Respondent Represented through	Shri Gopal Parkash Gupta Advocate
Last date of hearing	First hearing
Proceeding Recorded by	Naresh Kumari & S.L.Chanana

Proceedings

Reply not filed despite giving opportunity.

Arguments heard.

The complainant/builder has received the occupation certificate on 17.10.2018 and offered the possession of the allotted unit to the home buyer/respondent on 29.10.2028 but the respondent/complainant has refused to accept the same. The builder has submitted a copy of occupation certificate and offer of possession letter w.r.t the impugned unit and the same have been placed on record. As per offer of possession letter, the buyer is duty bound to take possession of the unit within a period of one month of the



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

receipt of offer of possession letter. However, the respondent has stated at bar that they have already gone to NCLT but there is no bar on parallel litigation before this Authority. However, keeping in view the provisions of RERA Act, the authority decides that the buyer is bound to take possession of the unit within a period of one month. However, the respondent/buyer is entitled for late delivery possession charges till offer of possession at the prescribed rate of interest i.e. 10.20% p.a. by virtue of BBA dated 19.04.2013 executed between the parties by which the due date of possession comes out to 11.08.2017 but the due date of possession shall be counted from the date of start of construction i.e. 11.11.2013. Accordingly, the respondent/buyer is entitled for delayed possession charges w.e.f.11.08.2017 till offer of possession i.e. 29.10.2018 and is also directed to take over the possession of the allotted unit within a period of 30 days from the date of this order.

The complainant/builder is also entitled for charging maintenance charges as per the provisions of the Act. Interest on the due payments from the buyer shall be charged at the prescribed rate of interest i.e. 10.20% p. a. by the promoter which is the same as is being granted to the buyer in case of delayed possession.

Complaint stands disposed of. Detailed order will follow. File be consigned to the registry.


Samir Kumar
(Member)
17.12.2019


Subhash Chander Kush
(Member)