



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

Day and Date	Tuesday and 09.02.2021
Complaint No.	CR/3801/2020 Case titled as Vishal Bakshi VS Vsr Infratech Private Limited
Complainant	Vishal Bakshi
Represented through	S/Shri Rit Arora and Pawan Kumar Ray Advocates
Respondent	Vsr Infratech Private Limited
Respondent Represented through	Ms. Shreya Takkar Advocate
Last date of hearing	16.12.2020
Proceeding Recorded by	Naresh Kumari

Proceedings

Arguments heard.

This complaint relates to the project 114 Avenue, Sector-114 Gurugram, a commercial project, on-going, registered with HRERA vide registration No.53 of 2019 in an area admeasuring 2.968 acres. The validity of the registration of the said project has already been expired on 31.12.2019 and the respondent has applied for extension on 6.3.2020 which has been granted in principle subject to submission of certain documents.

The licence for the project was issued by DTCP vide Licence No.72 of 2011 dated 27.7.2011 which is valid upto 20.07.2024. The date of commencement of the project is **1.1.2012**. Date of start of construction is **15.3.2012** as intimated and admitted by the counsel for the respondent.

It is not clear as to how the construction of the project commences without obtaining the environment clearance and environment clearance was granted on 28.5.2013 which is valid upto 27.5.2020.

As per clause 32 of the Builder Buyer Agreement, delivery of possession was given within **36 months** from the date of start of

An Authority constituted under section 20 the Real Estate (Regulation and Development) Act, 2016
Act No. 16 of 2016 Passed by the Parliament

भू-संपदा (विनियमन और विकास) अधिनियम, 2016 की धारा 20 के अंतर्गत गठित प्राधिकरण
भारत की संसद द्वारा पारित 2016 का अधिनियम संख्यांक 16



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construction or from the date of execution of Builder Buyer Agreement. The agreement was executed between the parties on **12.06.2013** and the due date of delivery of possession of the unit comes out to be **12.12.2016** after granting **6 months** grace period as force majeure.

This matter is squarely covered under section 18 (1) of the Real Estate (Regulation and Development) Act 2016 and the complainant is entitled for delayed possession charges at the prescribed rate of interest i.e. 9.30% per annum on the amount deposited by the complainant with the respondent from the due date of possession till the handing over of physical possession of the allotted unit.

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


Samir Kumar
(Member)


Dr. K.K. Khandelwal
(Chairman)
09.02.2021