

**M/s Puri Constructruction Pvt. Ltd.**

**Vs.**

**Monika Gundal**

**Appeal No.1345 of 2019**

Present: Shri Himanshu Juneja, Legal Head/Authorised Representative of the appellant.  
Shri Abhinav Kansal, Advocate, ld. counsel for the respondent.

We have received the report from the Assistant Registrar, Haryana Real Estate Regulatory Authority, Gurugram, which shows that due notices were issued to the appellant/promoter of the complaint as well as date of hearing. Faced with this situation, the Authorised Representative of the appellant stated that the appeal may be heard on merits by this Tribunal.

2. The only plea raised by the learned Authorised Representative is that the learned Authority has not given any rebate of the period during which the appellant could not carry on the construction of the unit due to the stay order issued by the National Green Tribunal. He also contended that the learned Authority has awarded the interest w.e.f. 22.04.2018 even on that amount which was deposited at the time of taking possession i.e. after 21.01.2019, the date of offer of possession.

3. Learned counsel for the respondent/allottee could not dispute the factum regarding the stay order issued by the National Green Tribunal during the period the

construction was going on. However, he stated that the said period will not be more than one month.

4. We have perused the directions given by the learned Authority.

5. As per the terms and conditions of the agreement between the parties, the due date for delivery of possession was 22.04.2018. The possession was offered on 21.01.2019. The learned Authority has awarded the interest for delay in delivery of possession at the prescribed rate i.e. 10.60% per annum w.e.f. 22.04.2018 till 21.01.2019. This fact is not disputed before us that even after 22.04.2018, the payment has been made by the respondent/allottee till the taking over the possession. So, naturally the interest could not have been awarded on that amount w.e.f. 22.04.2018.

6. Thus, in view of these circumstances, the impugned order dated 18.07.2019 passed by the learned Authority is hereby modified to this extent that the appellant/promoter will be liable to pay the interest for delayed possession at the prescribed rate of interest i.e. 10.60% per annum w.e.f. 22.04.2018 till the date of offer of possession i.e. 21.01.2019 on the amount which was deposited up to 22.04.2018 and thereafter the respondent/allottee shall be entitled for interest at the same

rate from the date of deposit of the amount till the date of offer of possession i.e. 21.01.2019.

7. In view of the admitted position of the stay order issued by the National Green Tribunal, the interest for one month shall be excluded from the aforesaid amount.

8. With the help of learned counsel for the parties, we have calculated the amount of interest payable by the appellant to the respondent/allottee. The respondent/allottee had deposited a total sum of Rs.1,47,29,786/- with the appellant/promoter up to 22.04.2018. It has been stated at bar that the remaining amount has been deposited by the respondent/allottee after 21.01.2019 i.e. the date of offer of possession. So, the respondent/allottee shall be entitled to interest @ 10.60% per annum on the amount i.e. Rs.1,47,29,786/- w.e.f. 22.04.2018 to 21.01.2019 with the exclusion of one month due to the stay orders issued by the National Green Tribunal. So, the amount payable to the respondent/allottee comes to Rs.10,40,905/-.

9. The appellant/promoter has deposited a total sum of Rs.13,12,324/- with this Tribunal. Out of the aforesaid amount, an amount of Rs.10,40,905/- be remitted to the learned Real Estate Regulatory Authority, Gurugram for disbursement to the respondent/allottee in accordance

with law. The remaining amount be refunded to the appellant/promoter.

10. With this modification, the present appeal stands disposed of. File be consigned to records.

Justice Darshan Singh (Retd.)  
Chairman,  
Haryana Real Estate Appellate Tribunal,  
Chandigarh  
10.02.2020

Inderjeet Mehta  
Member (Judicial)  
10.02.2020

Anil Kumar Gupta  
Member (Technical)  
10.02.2020