



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

1. COMPLAINT NO. 284 OF 2020

Vinod Sharma and Anr

....COMPLAINANTS

VERSUS

M/s Avalon Projects &Ors.

....RESPONDENTS

2. COMPLAINT NO. 286 OF 2020

Vinod Kumar and Anr

....COMPLAINANTS

VERSUS

M/s Avalon Projects &Ors.

....RESPONDENTS

3. COMPLAINT NO. 287 OF 2020

Vikram Kumar and Anr

....COMPLAINANTS

VERSUS

M/s Avalon Projects &Ors.

....RESPONDENTS

4. COMPLAINT NO. 288 OF 2020

Vijay Kumar Seth and Anr

....COMPLAINANTS

VERSUS

M/s Avalon Projects &Ors.

....RESPONDENTS

Complaint nos. 284, 286, 287, 288, 290, 295, 296, 297, 298, 299, 301, 302, 303,
305, 306, 142, 285, 291, 1145, 537/2020, 264, 399, 405, 845/2021

5. COMPLAINT NO. 290 OF 2020

Somesh Kumar Gupta

....COMPLAINANT

VERSUS

M/s Avalon Projects &Ors.

....RESPONDENTS

6. COMPLAINT NO. 295 OF 2020

Vijay Kumar Mandhotra

....COMPLAINANT

VERSUS

M/s Avalon Projects &Ors.

....RESPONDENTS

7. COMPLAINT NO. 296 OF 2020

Sandeep Rana and Anr.

....COMPLAINANT

VERSUS

M/s Avalon Projects &Ors.

....RESPONDENTS

8. COMPLAINT NO. 297 OF 2020

Ritu Gaba

....COMPLAINANT

VERSUS

M/s Avalon Projects &Ors.

....RESPONDENTS

9. COMPLAINT NO. 298 OF 2020

Rajeev Kumar Wadhwa and Anr.

....COMPLAINANTS

VERSUS

M/s Avalon Projects &Ors.

....RESPONDENTS

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305, 306, 142, 285, 291, 1145, 537/2020, 264, 399, 405, 845/2021

10.COMPLAINT NO. 299 OF 2020

Pramod Kumar Pal

....COMPLAINANT

VERSUS

M/s Avalon Projects &Ors.

....RESPONDENTS

11.COMPLAINT NO. 301 OF 2020

Manoj Kumar Arora

....COMPLAINANT

VERSUS

M/s Avalon Projects &Ors.

....RESPONDENTS

12.COMPLAINT NO. 302 OF 2020

Gajender Kaushik

....COMPLAINANT

VERSUS

M/s Avalon Projects &Ors.

....RESPONDENTS

13.COMPLAINT NO. 303 OF 2020

Banke Agarwal

....COMPLAINANT

VERSUS

M/s Avalon Projects &Ors.

....RESPONDENTS

14.COMPLAINT NO. 305 OF 2020

Amit Sahay and Anr.

....COMPLAINANTS

VERSUS

M/s Avalon Projects &Ors.

....RESPONDENTS

Complaint nos. 284, 286, 287, 288, 290, 295, 296, 297, 298, 299, 301, 302, 303,
305, 306, 142, 285, 291, 1145, 537/2020, 264, 399, 405, 845/2021

15.COMPLAINT NO. 306 OF 2020

Abhey Singh Yadav

....COMPLAINANT

VERSUS

M/s Avalon Projects &Ors.

....RESPONDENTS

16.COMPLAINT NO. 142 OF 2020

Tilak Raj Thareja and Ramesh Kataria

....COMPLAINANTS

VERSUS

GRJ Distributors and Developers Pvt. Ltd.

....RESPONDENT

17.COMPLAINT NO. 285 OF 2020

Renu Elizabeth Jamwal

....COMPLAINANT

VERSUS

GRJ Distributors and Developers Pvt. Ltd.

....RESPONDENT

18.COMPLAINT NO. 291 OF 2020

Renu Elizabeth Jamwal

....COMPLAINANT

VERSUS

GRJ Distributors and Developers Pvt. Ltd.

....RESPONDENT

19.COMPLAINT NO. 1145 OF 2020

Prayank Sharma

....COMPLAINANT

VERSUS

M/s Avalon Projects & Ors.

....RESPONDENT

Complaint nos. 284, 286, 287, 288, 290, 295, 296, 297, 298, 299, 301, 302, 303,
305, 306, 142, 285, 291, 1145, 537/2020, 264, 399, 405, 845/2021

20.COMPLAINT NO. 537 OF 2020

Gourav DudejaCOMPLAINANT

VERSUS

Avalon ProjectsRESPONDENT

21.COMPLAINT NO. 264 OF 2021

Satyavir Singh and SunitaCOMPLAINANTS

VERSUS

Avalon ProjectsRESPONDENT

22.COMPLAINT NO. 399 OF 2021

Sumitra Sehrawat and Parveen SehrawatCOMPLAINANTS

VERSUS

Avalon ProjectsRESPONDENT

23.COMPLAINT NO. 405 OF 2021

Sandeep Kaptan Naharia and Kaptan Singh YadavCOMPLAINANTS

VERSUS

Avalon ProjectsRESPONDENT

24.COMPLAINT NO. 845 OF 2021

Ravinder Richard DasCOMPLAINANTS

VERSUS

GRJ Distributors and Developers Pvt. Ltd.RESPONDENT

**CORAM: Rajan Gupta
Dilbag Singh Sihag**

**Chairman
Member**

Date of Hearing: 21.07.2022



Complaint nos. 284, 286, 287, 288, 290, 295, 296, 297, 298, 299, 301, 302, 303, 305, 306, 142, 285, 291, 1145, 537/2020, 264, 399, 405, 845/2021

Hearing: 11th in complaint nos. 284, 286, 287, 288, 290, 295, 296, 297, 298, 299, 301, 302, 303, 305, 306, 537 of 2020.

12th in complaint nos. 142, 285, 291 of 2020.

9th in complaint no. 1145 of 2020.

7th in complaint no. 264 of 2021.

6th in complaint nos. 399, 405 of 2021.

5th in complaint no. 845 of 2021.

Present: Ms. Stuuti, proxy counsel for Mr. Rishabh Jain, Ld. Counsel for the complainant in complaint no. 142 of 2020 through VC.

Mr. Manmeet Jaswal, Ld. Counsel for the complainants in complaint nos. 285, 291 of 2020 and 845 of 2021 through VC.

Mr. Saurabh Sachdeva, Ld. Counsel for the complainant in complaint no. 1145 of 2020 through VC.

Mr. Siddarth Gulati, Ld. counsel for the complainant in complaint no. 537 of 2020 through VC.

Mr. Jagdeep Sheoran, Ld. Counsel for the complainant in complaint no. 399 of 2021 through VC.

Mr. Chandan Singh, Ld counsel for the complainants in complaint nos. 284, 286, 287, 288, 290, 295, 296, 297, 298, 299, 301, 302, 303, 305, 306 of 2020, 405 of 2021

None for complainant in complaint no. 264 of 2021.

Mr. Hemant Saini and Mr. Himanshu Monga, Ld. Counsel for the respondent.

ORDER (DILBAG SINGH SIHAG-MEMBER)

1. Captioned bunch of complaints is being disposed of together by this common orders. Complaint No. 284 of 2020 Vinod Sharma and another

Complaint nos. 284, 286, 287, 288, 290, 295, 296, 297, 298, 299, 301, 302, 303,
305, 306, 142, 285, 291, 1145, 537/2020, 264, 399, 405, 845/2021

Versus M/s Avalon Projects and Others has been taken as a lead case. This matter was heard at length on 21.12.2021 and main facts and arguments have also been recorded in the order, operative part of the same is reproduced below for ready reference:

“1. Captioned complaints have been taken together as a bunch since nature and facts of these complaints are identical and relates to the same project of the respondent-promoter. Complaint no. 284/2020 has been taken as lead case in this bunch of cases.

2. In brief, case of complainants in complainant no. 284/2020 is that complainants had purchased a residential flat in 2012 in the project of the respondent-promoter named ‘Avalon Rangoli’, sector 24, Dharuhera, Rewari and was allotted unit no. 103, Tower A3, measuring 1300 sq. ft. Complainants had made payment of Rs. 33,40,922/- against total sale consideration of Rs. 34,74,700/-. Further, builder buyer agreement was executed between complainants and respondent on 24.07.2012 according to which possession of booked flat was to be offered within 42 months from date of execution of agreement which had already expired on 24.01.2016. He further alleged that construction of the project has come to a complete halt and there is inordinate delay in completion of the project. In view of above facts,

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complainants have filed present complaint seeking relief of possession of flat along with interest on delay in handing over of possession of their booked flat and execution of sale deed.

3. Complainants further stated that there has been delay of more than 5 years on the part of the respondent-promoter in delivering possession to the complainants. Since complainants have been waiting for more than 5 years from their deemed date of possession i.e. 24.01.2016 and delivery of possession of their booked flats may further take more than 6 months, therefore, they deserve upfront payment of delay interest for delay of 5 years in handing over of possession from the respective deemed date of possession till now as they are facing huge financial crises due to the delay caused by respondent.

4. On the other hand, learned counsel for the respondent filed a short reply dated 24.11.2020 in all complaints except in complaint nos. 399, 405 and 845 of 2021 stating that project had been developed in two phases; Phase-I comprises of five towers which have been duly completed and Occupation certificate was obtained on 27.02.2017. Construction of Phase-II is also complete and occupation certificate thereof was applied on 05.06.2017. Reports from Chief Engineer, Superintendent Engineer, District Town Planner, Senior Town Planner etc. have already

been submitted for issuance of occupation certificate. Only petty jobs like interior furnishing, window panels and doors are pending which are also nearing completion.

5. Ld. counsel for the respondent has filed an application dated 04.10.2021 regarding joint monitoring undertaken by developer and allottees for early completion of the project. He apprised the authority that collective efforts are being made by developer and allottees for the last three months for completion of construction of phase-II towers of the project. A meeting took place between the allottees and the developer on June 1, 2021 whereby it was mutually decided that the allottees would help the developer by making payment of balance amount for the purpose of early completion of the project. Also, construction progress reports would be shared by developer with allottees from time to time

After that, 12 more meetings have taken place between developer and allottees. He further stated that 39 of the litigating allottees have also paid money to the developer in pursuance of said meetings for helping respondent in completing the project. Apart from aforesaid 39 allottees, who are in litigation, there are 151 allottees who though are not into litigation before the Authority, have also made payments to get project completed. Due to the joint efforts, the developer has made the

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payment of Rs.34,60,000/- to Johnson Lifts and Escalators for installation of lifts in tower no. A5 and B1 of phase II of the project.

Learned counsel for respondent requested the authority that upfront payment of delay interest to complainants may not be allowed at this stage as it will result in diversion of funds which are necessary for early completion of the project. He requested the authority to grant respondent a time of 3 to 4 months for completion of the project and further assured that respondent will be sharing progress of the project with authority on monthly basis.

6. Learned counsels for the complainants have requested for supply of copy of the application dated 04.10.2021 filed by the respondent to them so that they may put their arguments before the authority in this regard. Learned counsel for respondent is directed to supply a copy of said application to all counsels for complainants in captioned complaints before the next date.

7. Further, upon going through pleadings and arguments of both parties, Authority directs the respondent to complete the project latest by 28 February, 2022 as per commitment made by them to the allottees. The respondent is further directed to prepare monthly schedules showing the progress to be made by the respondent towards completion of project. Said monthly schedules



should be shared with all allottees within next three weeks and shall also be placed before the authority on next date of hearing.”

2. Ld. counsel for the respondent filed a monthly progress report on 16.11.2021 and stated that copies of the same have been sent to complainants. Further, he has submitted latest monthly progress report to Authority as well as to complainants through email on 20.12.2021. He submitted that hard copies of the same will be supplied to Authority and complainants within next 2-3 days.

3. Ld. counsel for respondent stated that work in relation to phase-II towers is going on in full swing. Respondent is making every possible effort to complete construction works at project site by February 28, 2022 as per his commitment made before the Authority.

4. In the circumstances, Authority directs the respondent to start issuing statement of accounts to each of the complainants stating therein that possession is likely to be delivered to them by February 28, 2022, and incorporating therein a statement of accounts of all receivables and payables including delay interest payable to each complainant from respective deemed date of possession till February 28, 2022.

2. When this matter further came up for hearing on 01.04.2022, Authority had decided to appoint local commissioner for giving reports regarding

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factual position of various construction works undertaken at the site. Relevant para 3 and 4 of the said order dated 01.04.2022 are reproduced below:

“3. On the other hand, learned counsel for the complainants contended that this plea of respondents could not be accepted at this stage on the ground that several opportunities have been given to them for completion of the project. Under such circumstances, local commissioner should be appointed for site inspection of the project so that complainants/allottees at least get to know current status of the project as well as status of their respective flats. Further, it is argued that in compliance of previous orders, respondent has failed to issue statement of accounts to the complainants.

4. After consideration of arguments put forth by both parties, Authority observed that respondent is facing cash flow difficulty in completion of Phase-II of the project. Respondents have been making efforts to complete the project, one more opportunity be given to them to complete the project subject to the condition that they will issue statement of accounts to each complainant

incorporating therein permissible delay interest for delay in handing over possession by 31.05.2022. Further, Authority is inclined to appoint local commissioner at the cost of the respondent to know exact status of completion of the project. Office is therefore directed to appoint local commissioner with a direction to visit site of the project within 15 days from uploading of this order and submit its report regarding status of construction by 15.05.2022 positively. Expenses of local commissioner shall be borne by the respondent."

3. Vide order dated 01.04.2022, Professional Engineers of Pro- Tech Consortium Dr. R.S. Malik and Er. B.B. Bansal were appointed the Local Commissioner to visit the site on 18.05.2022 at 11:30 am and submit a site report. They submitted their report on 23.05.2022, which is reproduced as under :

"The Protech Consortium, Kurukshetra was appointed Local Commissioner vide Executive Director, HRERA, Panchkula No. HRERA PKL/ED/2022/7266-68 dated 06.05.2022, to visit the site of the project, Avalon Rangoli, Sector-24, Dharuhera, Rewari of M/s Avalon Projects (a unit of GRJ Distributors Pvt. Ltd.) respondent-developer and submit report, with regard to the status of construction/completion of the project.



A prior notice of the visit was given on 09.05.2022 to all the parties namely Mr. Abhay Jain, Garv Malhotra, Praveen Jain, Manmeet Singh Jamwal, Jagdeep Kumar. Green Agarwal, Siddharth Gulati, Saurabh Sachdeva the authorized representatives of complainants and Mr. Hemant Saini, Advocate of the Avalon Rangoli at available email address/sms (Annexure-III).

Professional Engineers of the Consortium (Dr. R. S. Malik, Er. B. B. Bansal) visited the site at Dharuhera on 18.05.2022 at 11.30 a.m. Two representatives of the builders (Mr. Abhi Ram Prabhakar and Mr. Anil Rathi) were present at site. From the complainant side only Mr. Ravinder R. Dass (complaint no 845/2021) was present along with another Mr. Sudhir Shrivastava, allottee of flat number 804/A-5 in the Avalon Rangoli campus (Annexure-II). There were ten towers existing in the campus i.e. tower number A-I to A-8. B-1 and B-2 with 708 flats in total. Only towers A-3, A-4, A-5, B-1 and B-2 were under dispute regarding issues of timely completion and possession (Annexure-1, Photo 8 & 24). About 180 families were said to be residing in remaining towers A-1, A-2, A-6, A-7 and A-8.



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As for common amenities in the campus following was the position:

Roads & Rainwater drainage - Roads were in good condition and in use by residents. Open rainwater drains were provided which disposed of rain water in to adjacent fields.

Boundary wall-The campus was enclosed by a wall of sufficient height. though at two places it was damaged/fallen.

Entry/Exit-There was one gate with separate entry and exit, both were duly regulated by staff (Annexure-1, Photo 1, 2).

Water Supply-Water supply was arranged directly through installed pipe network with four tube wells installed in the campus.

Fire fighting - Existing tube wells were also connected to firefighting pipe lines installed in every tower.

Electrical supply/sub station - Electricity is directly given to residents by State Electricity department. No separate sub-station was provided in the campus. A stand by Generator set was installed and was in working condition (Annexure-I, Photo 3).

Street lights - Street lights were provided in the campus and were operative.

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Club house & lawns - A club house was provided with swimming pool and play items for children. Lawns were also maintained in the middle of the campus (Annexure-1, Photo 4 to 7),

STP- An underground tank in a corner of campus had been constructed for collection of sewage from all towers through underground sewerage lines but at present no arrangement was available for treatment of sewage. It is disposed of raw in to nearby fields through pumping (Annexure-1, Photo 26).

Every tower had a provision for two lifts and one stair case. As the lifts in the towers concerned were not fully operative being in testing stage, it was not possible to visit top or higher floors, therefore flats were visited and inspected upto second floor only.

Construction/completion stage of the towers:

Tower A-3- Structure was complete. Flooring had been done with tiles. Electrical wiring was not done yet. Sanitary fitting in flats was in progress. One lift was installed and was under testing (Annexure-I, Photo 9 to 11).

Tower A-4- Structure was complete. Flooring had been done with tiles. Electrical wiring was being done. Doors/window shutters were being fitted.



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Sanitary fitting in flats was in progress. No lift was installed yet (Annexure-I, Photo 12 to 15).

Tower A-5- Structure was complete. Flooring had been done with tiles. Electrical wiring was complete. Sanitary fittings were installed completely. One lift was installed and was under testing (Annexure-1, Photo 16 to 21).

Tower B-1- Structure was complete. Flooring had been done with tiles. Electrical wiring was in progress. Sanitary fittings were also in progress. One lift was installed and was under testing (Annexure-I, Photo 23 to 25).

Tower B-2- Structure was complete. Flooring had been done with tiles. Door windows, Electrical and Sanitary fitting works were also in progress and related material had been stacked. One lift was installed and was under testing (Annexure-1, Photo 23 to 25)

It was observed that the builders have stored sufficient material of different kinds and about 70 (seventy) skilled and unskilled labourers were working at the time of visit for different jobs of fixing doors, windows, shutters, electrical installations, sanitary installations, lifts, tile flooring etc. About 70% of the work in these five towers has been done presently. In our view if the present pace of work is maintained by the builders,

the towers and flats under dispute can be brought to complete handing over position in about four months from today.”

Contents of this site report were also discussed in detail during the hearing today.

4. Learned counsel for respondent has filed an application dated 20.07.2022 placing on record latest updates in respect to the project in compliance of orders passed by the Authority. It has been apprised that respondent promoter has offered possession to all 41 complainants/allottees, out of which 12 have already taken possession. Copies of emails offering possession to all 41 allottees is annexed as Annexure P/1 to the same application. Furthermore, Allottee/complainant Vinod Kumar in complaint case no. 286 of 2020 has withdrawn his complaint. Proof of same is annexed as Annexure R-4 to the same application.

5. Today, during the hearing, learned counsel for complainants argued that statement of accounts has not yet been supplied by the respondent promoter despite direction given by Authority vide its order dated 21.12.2021. He prayed that Authority should direct the respondent promoter to specify a confirmed date for handing over possession of booked flats to all the complainants.

Mr. Jagdeep Sheoran, learned counsel for complainant in complaint no.399 of 2021 argued that without having obtained occupation certificate,

how could respondent promoter handover possession of booked flat to any of the allottees. This amounts to violation of law on the part of respondent promoter, and Authority should initiate suo motu proceeding against respondent promoter.

6. On the other hand, Mr. Hemant Saini, learned counsel for respondents apprised the Authority that respondent promoter has been working day and night for completion of project. Respondent admits that it is only because of cooperation of allottees that respondent promoter had reached a stage that project is nearing completion.

Learned counsel for respondent also placed on record copy of his letters relating to handing over of possession along with photographs establishing that possession of flats has been delivered to 12 out of 41 complainants. He further apprised the Authority that respondent has applied for grant of occupation certificate vide annexure- R6 of the reply book and it is likely to be granted in near future. Learned counsel prayed that first respondent promoter may be allowed to complete the project and handover possession of their respective flats to all the complainants, and thereafter only respondent promoter may be asked to make upfront payment of delay interest to the allottees, otherwise it could lead to shortage of cash for completion of remaining project.

7. Authority observes that respondent-promoter have almost completed the project. They have already applied for grant of Occupation Certificate.

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Occupation certificate, however, is yet to be received. Law of the land on the subject is that a lawful offer of possession can be made only after obtaining occupation certificate from the authorities concerned. As averred by respondent-promoter, 12 out of the 41 complainants have taken possession of the apartments. The 12 complainant-allottees have taken possession as per their own will and choice and they may have taken possession on account of their personal circumstances. Accordingly, those allottees who have taken possession, will be entitled to interest on account of delay in handing over of possession from the due date of possession upto the date of actual taking over of the possession. Respondent shall give them a statement of accounts and give them benefit of interest accordingly.

8. Regarding remaining allottee-complainants who are yet to accept possession, Authority would observe that they are entitled to wait for lawful offer of possession after obtaining occupation certificate. All such allottees will be entitled to cumulative monthly interest from the due date of offering possession upto the date of passing this order i.e., 21.07.2022 and further monthly interest upto the date of offer of possession after obtaining Occupation certificate. Interest admissible to all the complainant-allottees has been got calculated by Authority and has been shown in the table below –



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Sr. No.	COMPLAINT NO.	AMOUNT PAID BY THE COMPLAINANT AFTER DEDUCTION OF EDC/IDC (In Rs.)	DEEMED DATE OF POSSESSION	DELAY INTEREST CALCULATED BY AUTHORITY TILL 21.07.2022 (In Rs.)	FURTHER MONTHLY INTEREST (In Rs.)
1.	284/2020	28,85,922/-	24.01.2016	18,33,082/-	24,020/-
2.	286/2020	38,36,190/-	06.08.2018	14,89,367/-	31,930/-
3.	287/2020	28,07,747/-	27.03.2016	17,36,286/-	23,370/-
4.	288/2020	36,71,300/-	02.06.2017	18,49,209/-	30,557/-
5.	290/2020	38,42,962/-	04.10.2017	18,04,103/-	31,986/-
6.	295/2020	38,59,846/-	28.06.2016	22,89,700/-	32,127/-
7.	296/2020	27,83,341/-	03.05.2016	16,94,060/-	23,167/-
8.	297/2020	26,02,566/-	09.12.2017	11,75,068/-	21,662/-
9.	298/2020	36,88,113/-	27.08.2020	6,87,222/-	30,697/-
10	299/2020	39,25,657/-	08.11.2018	14,25,024/-	32,674/-
11	301/2020	25,16,433/-	23.05.2016	15,17,815/-	20,945/-
12	302/2020	42,22,151/-	07.02.2016	26,62,677/-	35,142/-
13	303/2020	28,81,336/-	14.02.2016	18,18,005/-	23,982/-
14	305/2020	25,60,648/-	08.08.2017	12,47,397/-	21,313/-
15	306/2020	28,56,935/-	22.06.2016	17,01,150/-	23,779/-
16	142/2020	38,69,753.50/-	03.03.2016	24,22,953/-	32,209/-
17	285/2020	37,44,099/-	20.12.2016	20,38,735/-	31,163/-
18	291/2020	27,28,007/-	25.11.2016	15,05,713/-	22,706/-
19	1145/2020	25,49,514/-	22.02.2016	16,00,257/-	21,220/-
20	537/2020	30,84,471/-	28.04.2018	12,80,334/-	25,673/-
21	264/2020	26,44,593/-	02.03.2016	16,56,061/-	22,012/-
22	399/2021	31,38,719/-	28.08.2016	18,15,229/-	26,124/-
23	405/2021	32,72,325/-	21.03.2016	20,33,073/-	27,237/-
24	845/2021	25,98,213/-	02.03.2016	16,27,506/-	21,626/-

The respondents are directed to credit above calculated interest to the accounts of each complainant-allottees and same should be shown in the statement of account to be issued at the time of offering possession after obtaining occupation certificate. It may be noted that the admissible interest has been calculated in accordance with provisions of Rule 15 of HRERA Rules, 2017 i.e. @ SBI MCLR+2% , i.e., 9.8%.

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9. An application dated 21.07.2022 was received in registry of Authority for correction of a typographical error with respect to complaint case no. 399 of 2021 that in the complaint book. Tower no. of the flat in question is mentioned as tower no. 45 instead of correct Tower no. A-5. Accordingly, the tower number in the complaint be read as tower A-5. Said application has been taken on record and allowed by the Authority.

10. **Disposed of** with above directions. Files be consigned to record room and order be uploaded on website of the Authority.



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RAJAN GUPTA
[CHAIRMAN]

.....
DILBAG SINGH SIHAG
[MEMBER]

Haryana Real Estate Regulatory Authority
Panchkula

सत्यमेव जयते