



## HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

### COMPLAINT NO. 1372 OF 2022

RPS Infrastructure Limited

...COMPLAINANT(S)

VERSUS

Poonam Chawla

.....RESPONDENT(S)

**CORAM: Rajan Gupta  
Dilbag Singh Sihag**

**Chairman  
Member**

**Date of Hearing: 02.08.2022**

**Hearing: 1<sup>st</sup>**

**Present: Mr. Tarun Singla, Ld. Counsel for the complainant through VC.  
Respondent- in- person through VC.**

### **ORDER (RAJAN GUPTA - CHAIRMAN)**

1. Complainant is seeking review of order passed by Authority in complaint no. 102 of 2021 titled as Poonam Chawla vs RPS Infrastructure Limited. In the said order respondent was directed to handover possession to complainant after obtaining occupation certificate and delay interest and monthly

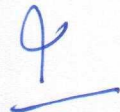


interest payable to the complainant till delivery of possession calculated as per Rule 15 of HRERA Rules, 2017. Relevant part of the order is being reproduced as follows:

4. After going through oral and written submissions of both parties, Authority confirms its observations made vide order dated 13.10.2021. Respondent is directed to offer possession of the unit to the complainant as and when he obtains Occupation Certificate. He is directed to make upfront payment of delay interest of ₹21,85,964/- for delay caused in handing over the possession from deemed date of possession i.e., 24.10.2016 till 13.10.2021 within 90 days of uploading of this order on website of the authority and further, pay monthly interest of ₹ 36,633/- from 13.10.2021 onwards till the delivery of actual possession after obtaining Occupation Certificate.

2. Ld. counsel for applicant/complainant submitted that construction of project 'RPS Infinia' is still in progress. Structure of the tower Azure-02/T-03 in which complainant unit is situated, is complete but external façade and some other works are still in progress. Complainant is yet to issue demand notice for payments of 2 more installments to be paid by allottee-respondent till offer of possession. Therefore, delay interest calculated towards delay in delivery of unit should not be determined at this stage. Thus, vide present review petition complainant is seeking relaxation in payment of delay interest ordered on 16.11.2021.

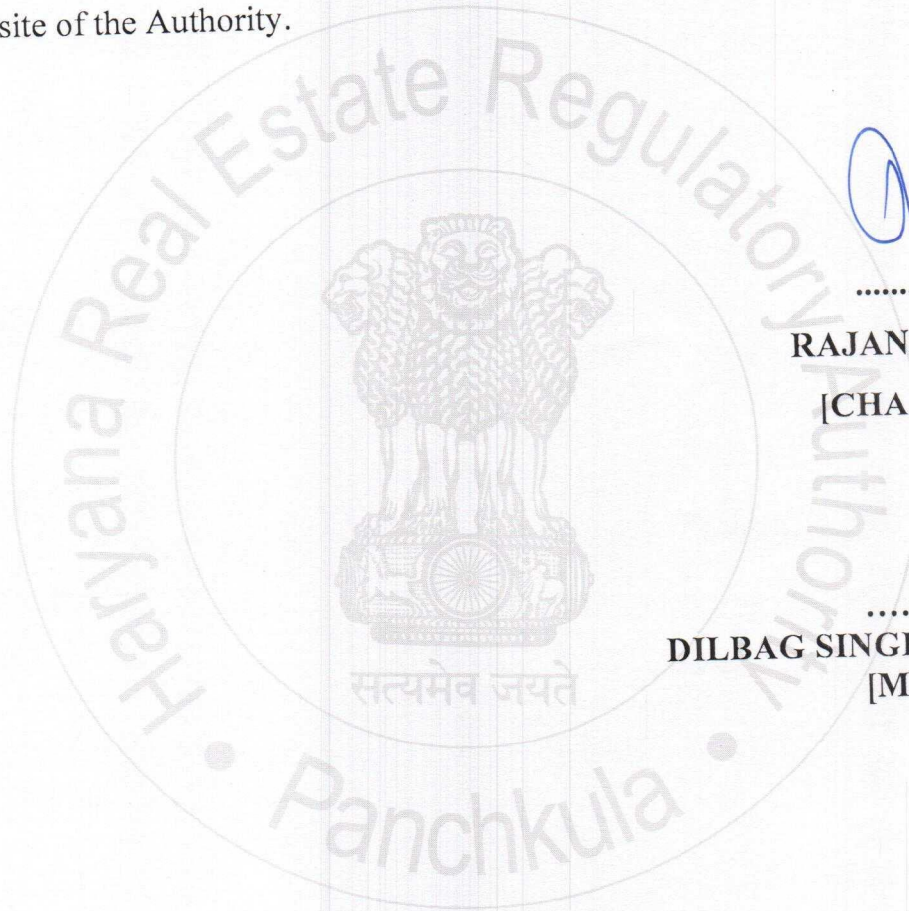
4. It is observed by Authority that relief in the original complaint was granted as per merits of the case after hearing both parties, and on the basis of

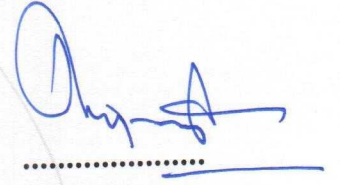




evidence adduced. Relief of delay interest was allowed in accordance with Section 15 of HRERA. As per section 39 of the Act, this Authority has power of rectification of orders only when the mistake is apparent on face of record and change or revise its order. Accordingly, this review is not maintainable and prayer of the promoter- complainant is dismissed.

5. **Disposed of.** File be consigned to record room after uploading order on website of the Authority.





RAJAN GUPTA  
[CHAIRMAN]



DILBAG SINGH SIHAG  
[MEMBER]