



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 151 OF 2022

Anuj Garg

...COMPLAINANT(S)

VERSUS

RPS Infrastrucure Limited

....RESPONDENT(S)

CORAM: Rajan Gupta

Chairman

Dilbag Singh Sihag

Member

Date of Hearing: 05.07.2022

Hearing: 2nd

Present: - Adv Kamal Dahiya, Ld. Counsel for the complainant through VC.

Mr. R.C Gupta, for the respondent though VC.

ORDER (RAJAN GUPTA-CHAIRMAN)

1. Learned counsel for complainant states that he had booked a unit in the project named "RPS AURIA" of the respondent situated in Sec-88, Faridabad in the year 2013. Apartment No. 0202 on 2nd floor in tower no T-04

measuring 1565 sq. ft was allotted to complainant vide allotment letter dated 03.10.2013. Apartment Buyer's Agreement was executed between the parties on 01.10.2013. As per Clause 22 of the agreement, construction of apartment was to be completed within 48 months from the date of execution of agreement, thus deemed date of delivery was on 01.10.2017. Complainant has paid about Rs. 69,28,164/- till date against basic sale consideration of Rs. 57,46,680/-. Copies of payment receipts has been annexed as Annexure C-6 (Colly) with the complaint book.

2. Grouse of the complainant is that even after delay of more than 4 years from due date of delivery of possession there is no intimation received from respondent in respect to completion of the project or offer of possession to complainant till date, despite sending numerous requests to respondent from 2018 till date. Copies of emails and reminder letters sent to respondents have been annexed as Annexure C-7 (Colly), Annexure C-8 and Annexure C-9 in the complaint book. Complainant is seeking possession of allotted unit along with delay interest from the deemed date of possession upto the date of receipt of occupation certificate and lawful offer of possession.

3. Learned counsel for respondent while admitting payment made by complainant stated that construction is complete to the extent of 95% and respondent has applied for grant of Occupation Certificate on 05.04.2022. However, same has not yet been granted by Department of Town & Country Planning.



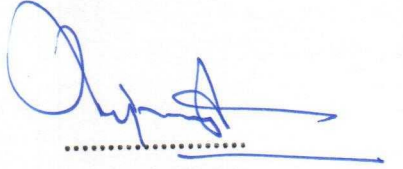
4. After hearing both the parties and perusal of record of the case, authority observes that since construction of project is almost complete, therefore respondents will handover a possession of the allotted unit to complainant after obtaining occupation certificate from the authority concerned. Further, Authority considers it appropriate to calculate upfront and monthly interest payable by respondents to complainant. Such upfront interest will be credited in favour of complainant in the statement of account to be issued by respondents at the time of handing over of possession. Interest shall be calculated as per SBI MCLR +2% which works out to 9.7% at the time of passing this order.

5. As per calculations made by Accounts Branch of this Authority, the amount of delay interest for the period ranging from 01.10.2017 to 05.07.2022 comes to **Rs.25,96,008/-** and further monthly interest w.e.f. 06.07.2022 till the date of legally valid offer of possession worked out to **@ Rs. 50,804/-**. This delay interest has been calculated on all amount of Rs. 61,66,789/- in respect of which documentary evidence has been placed on record by complainant.

6. Respondent is further directed to make a lawful offer after obtaining Occupation Certificate. Said offer letter shall be accompanied with statement of accounts showing payables and receivables at that time.



7. Disposed of. File be consigned to record room and order be uploaded on the website of the Authority.



RAJAN GUPTA
[CHAIRMAN]



DILBAG SINGH SIHAG
[MEMBER]

