



Complaint no. 589 of 2020

HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 589 OF 2020

Indra Chauhan

....COMPLAINANT(S)

VERSUS

Housing Board Haryana

....RESPONDENT(S)

CORAM:

Rajan Gupta

Chairman

Dilbag Singh Sihag

Member

Date of Hearing: 29.06.2022

Hearing: 5th

Present: None for the complainant
None for the respondent.

ORDER (DILBAG SINGH SIHAG-MEMBER)

From perusal of the case file, it is observed that captioned complaint had been disposed of vide order dated 07.04.2022 whereby Authority had issued following directions:

“4. After hearing both parties, Authority observes that complainant had booked a flat in the project of the respondent in the year 2010 for a tentative price of Rs 7.90 Lakh . Possession was offered to the complainant after a lapse of nearly 8 years

with a demand of Rs 15,40,309/- as increased cost of flat. Respondent raised such an exorbitant demand without providing any justification. Even though it is true that the prices were tentative and subject to change but such a huge increase in the price of flat was because of the fact that respondent had greatly delayed construction of the project. The offer of possession sent to the complainants on 19.02.2018 is not a valid offer because of the exorbitant demands raised along with it and complainant cannot be forced to accept such an offer of possession. Respondent should have promptly returned the amount deposited by the complainant after cancellation but respondent did not do so. Therefore, it is the respondent who is at fault here for unnecessary delay in delivery of possession and levying of huge demands and thus complainant is entitled to refund of the paid amount alongwith interest as per Rule 15 of HRERA Rules 2017 i.e at the rate of SBI MCLR + 2 % . Amount shall be paid in two instalments, first instalment of 50% of amount shall be paid within 45 days of uploading of this order and remaining amount to be paid as second instalment within next 45 days.

5.

6. In complaint no. 589 of 2020, complainant had deposited an amount of Rs. 1,99,000/- with the respondent. The amount of interest payable to the complainant has been calculated at the rate of 9.30% and same works out to Rs 1,44,675/-. Therefore, respondent is directed to pay an amount of Rs 3,43,675/- as refund of deposited money alongwith interest to the complainant.

7. With above directions, cases are disposed of. Order be uploaded on the website of Authority and files be consigned to record room. ”

2. Thereafter an application dated 06.06.2022 had been filed by the complainant, Ms Indra Chauhan, for rectification of interest calculated in order dated 07.04.2022. As per the submission of complainant the amount of interest was supposed to be Rs 2,15,946/- whereas in order dated 07.04.2022 it had been calculated as Rs 1,44,675/-.

Upon perusal of record, it was found that while calculating interest for the amount of ₹ 79,000/- the date from which the interest was to be calculated had been inadvertently written as 19.03.2020 instead of 19.03.2010 thereby causing the above-mentioned error. In view of this fact, there had been an apparent error on record in orders dated 07.04.2022 and in order to rectify this error, case was reopened and listed for hearing on 29.06.2022 i.e today.

3. Amount of interest payable to the complainant has been calculated again after rectifying said error and table for the same is reproduced below:




S. No.	Amount (in Rs)	Period	Rate of Interest	Interest (in Rs)
1.	79,000/-	19.03.2010 to 07.04.2022	9.30	88,627/-
2.	1,20,000/-	28.08.2010 to 07.04.2022	9.30	1,29,670/-
Total :				2,18,297/-

4. In view of rectification of error in para 3 of this order, the amount of interest payable to complainant mentioned in para 6 of order dated 07.04.2022 should now be read as Rs 2,18,297/-. Accordingly, respondent is directed to refund an amount of Rs 4,17,297/- (Rs 1,99,000/- + Rs 2,18,297/-) as refund of deposited money alongwith interest to the complainant .

5. With these directions, case is **disposed of**.


 RAJAN GUPTA
 [CHAIRMAN]


 DILBAG SINGH SIHAG
 [MEMBER]