

PROCEEDINGS OF THE DAY

Day and Date	Friday and 07.12.2022
Complaint No.	E/5354/2022/35/2021 Case titled Tinki Jain Vs Spaze Towers Private Limited.
Complainant	Tinki Jain
Represented through	Mr. Sukhbir Yadav, Adv.
Respondent	Spaze Towers Private Limited.
Respondent Represented through	Mr. Harshit Batra, Adv.
Last date of hearing	
Proceeding Recorded by	Jyoti Malik

Proceeding

This is a petition, seeking execution of order dated 15.03.2022, passed by Haryana Real Estate Regulatory Authority, Gurugram. Heard on objections filed by JD. The JD has challenged jurisdiction of this forum (A.O) to execute said order/ decree, contending that as the order under execution was passed by the authority, only the latter (The authority) was competent to execute it and not the A.O.

The authority delegated its powers vide **resolution/order no. 9/12022 HARERA/GGM/ admin dated 16.03.2022** A.O. authorizing the latter to execute its orders/decrees. As per learned counsel for JD, The authority was not competent to delegate its powers because this forum ~~is~~ ^{is} ~~view of the~~ (A.O.) is not Subordinate to the Authority.



HARERA
GURUGRAM

HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

New PWD Rest House, Civil Lines, Gurugram, Haryana

नया पी.डब्ल्यू.डी. विश्राम गृह, सिविल लाईंस, गुरुग्राम, हरियाणा

I do not find much substance in this plea of the JD . Even otherwise, legality of said order is confirmed by Hon'ble High Court of Punjab and Haryana, in case titled as **M/s International Land Developers Pvt. Ltd. Vs. Aditi Chauhan and others CWP No. 7738 of 2022, and M/s International Land Developers Pvt. Ltd. Vs. Nitin Mathur and others CWP 7750 of 2022.**

JD, has also objections against ~~about the~~ calculation of amount done by the DH. It is contented by learned counsel for JD that DH was liable to pay outstanding dues against the unit, but this amount is not adjusted by the DH.

It is pointed out that total sale considerations of unit in question was fixed as Rs. 85,748,6. The complainant paid a total of Rs. 77,155,90 As per JD, there remained outstanding dues against DH, amounting Rs. 8,59,266/- $(857486 - 7715590)$.

JD, has mis-construed the order. It is worth mentioning that through the order under execution, the authority directed respondent to pay interest at prescribed rate that is 9.30 per cent per annum ---- **on amount paid by complainant from** due date of possession plus six months. In this way, the interest was to be calculated only on the amount which was paid by the complainant. Objection in this regard is dismissed.

Another objection of JD against on the calculation done by DH, is that the authority allowed interest at rate mentioned above, from due date of possession plus six months from the date of offer of possession (01.12.2020) which comes out to be 01.02.2021. But DH is calculating interest till the date of payment, which was not allowed by the authority.



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I do not find any ^{weight} ~~wait~~ in this objection also. The JD/respondent was asked to make payment within 90 days from the date of order but admittedly no such payment was made by JD within 90 days of orders. In such instances, DH has right to claim interest till the date amount is paid, ✓ objections in this regard is also dismissed.

In view of order passed by the **High Court Hon'ble High Court of Punjab & Haryana, Chandigarh, in case tilted as M/s International Land Developers Pvt. Ltd. Vs. Aditi Chauhan and others CWP No. 7738 of 2022, and M/s International Land Developers Pvt. Ltd. Vs. Nitin Mathur and others CWP 7750 of 2022** for recovery of amount, recovery certificate is required to be issued to the collector concerned. let file be sent back to the authority, with a request to issue recovery certificate/further orders.

^{Before authority}
To come on 10.01.2023 for further proceedings.

[✓]
(Rajender Kumar)
Adjudicating Officer
07.12.2022