



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

1. COMPLAINT NO. 1035 OF 2021

Bhawani ShankarCOMPLAINANT

VERSUS

Ferrous Infrastructure Pvt. Ltd.RESPONDENT

2. COMPLAINT NO. 1067 OF 2021

Manisha RaniCOMPLAINANT

VERSUS

Ferrous Infrastructure Pvt. Ltd.RESPONDENT

3. COMPLAINT NO. 1075 OF 2021

Suraj Chauhan and Priya ChauhanCOMPLAINANT

VERSUS

Ferrous Infrastructure Pvt. Ltd.RESPONDENT

4. COMPLAINT NO. 1150 OF 2021

Sunita SabharwalCOMPLAINANT

VERSUS

Ferrous Infrastructure Pvt. Ltd.RESPONDENT

5. COMPLAINT NO. 1151 OF 2021

Rama Rana and Virender Singh Rana ...COMPLAINANT

VERSUS

Ferrous Infrastructure Pvt. Ltd.RESPONDENT

G. Rathore

6. COMPLAINT NO. 1155 OF 2021

Narender Singh

....COMPLAINANT

VERSUS

Ferrous Infrastructure Pvt. Ltd.

....RESPONDENT

7. COMPLAINT NO. 1324 OF 2021

Sunita Kumari and Dilbag Singh Nara

....COMPLAINANT

VERSUS

Ferrous Infrastructure Pvt. Ltd.

....RESPONDENT

8. COMPLAINT NO. 1381 OF 2021

Abhey Singh

....COMPLAINANT

VERSUS

Ferrous Infrastructure Pvt. Ltd.

....RESPONDENT

9. COMPLAINT NO. 1382 OF 2021

Lal Singh

....COMPLAINANT

VERSUS

Ferrous Infrastructure Pvt. Ltd.

....RESPONDENT

CORAM:

Nadim Akhtar

Member

Dr. Geeta Rathi Singh

Member

Date of Hearing: 07.12.2022

Hearing: 1st Re-hearing

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Geeta Rathi

Present: - Ms. Stuuti, on behalf of Mr. Abhay Jain, learned counsel for complainants through video conferencing.

Sh. Sourabh Goel, learned counsel for respondent through video conferencing.

ORDER (DR. GEETA RATHEE SINGH -MEMBER)

1. Captioned bunch of complaints were disposed of together by common order of Authority, dated 07.04.2022, with lead complaint case no. 828 of 2019 titled as, "Sube Singh Yadav Vs M/s Ferrous infrastructure Pvt. Ltd.", wherein relief of possession along with upfront delay interest and further monthly interest was granted.
2. However, application dated 01.07.2022 was filed by Mr. Abhay Jain, learned counsel for complainants in the above captioned complaint cases for the purpose of rectification of order passed by Authority dated 10.05.2022 on the ground that there exist errors as to calculation of amount of delay interest to be paid by respondent promoter to complainants. This rectification application was placed before the Authority for consideration, in its meeting dated 06.09.2022, vide agenda item no. 183.04, wherein the Authority in exercise of its power u/s 39 of the RERA Act, 2016 listed the cases on 15.11.2022 for deciding the same after hearing both the parties. However, again the matters were adjourned to 30.11.2022 as the quorum was not complete.
3. During the hearing dated 30.11.2022, proceedings, learned counsel Mr. Sourabh Goel appeared on behalf of the respondent promoter in all above

Dr. Geeta Rathee

captioned complaints and sought adjournment on the ground that he had not received the copies of rectification applications in any of the captioned complaint cases. Authority allowed his request and directed the respondent promoter to collect copies of aforesaid rectification applications in all the captioned matters from registry of office and file his objections, if any, before the next date of hearing.

4. Today, during the hearing, Ms. Stuuti, appearing on behalf of Mr. Abhay Jain, learned counsel for complainants apprised the Authority that there exist error as to calculation of interest, specified in para no. 12 of order passed by Authority dated 07.04.2022, vide which captioned complaint cases were disposed of and same may be rectified by the Authority. Relevant part of order is reproduced as under –

“12. In view of forgoing discussions, Authority would dispose of the present bunch of complaints with the order that possession of booked apartments shall be delivered by respondent-promoter to the allottees whenever they complete the project and obtain occupation certificate from authorities concerned. However, since inordinate delay has already been caused, respondent-promoters are ordered to pay upfront interest to all the allottees as per provisions of Section 18 of the RERA Act, 2016 and Rule 15 of RERA Rules, 2017. The upfront interest is being calculated from the due date of offering possession upto the date of passing this order i.e. 07.04.2022. Allottees would be further entitled to monthly interest for each month of further delay

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caused. Upfront interest and monthly interest payable to each complainant is shown in the table below:-

Sr. No.	COMPLAINT NO.	AMOUNT PAID BY THE COMPLAINANT (In Rs.)	DEEMED DATE OF POSSESSION	UPFRONT DELAY INTEREST CALCULATED BY AUTHORITY TILL 07.04.2022 (In Rs.)	FURTHER MONTHLY INTEREST (In Rs.)
1.	828/2021	12,59,764/-	25.07.2017	5,51,124/-	9,763/-
2.	1035/2021	25,01,054/-	27.01.2017	11,15,434/-	17,894/-
3.	1066/2021	22,55,193/-	24.06.2016	12,14,153/-	14,478/-
4.	1067/2021	20,83,259/-	01.07.2016	10,14,179/-	14,656/-
5.	1075/2021	22,62,025/-	07.07.2016	11,07,552/-	16,042/-
6.	1076/2021	17,40,442/-	17.07.2016	7,59,836/-	11,058/-
7.	1088/2021	23,38,880/-	17.07.2016	12,45,502/-	18,126/-
8.	1150/2021	21,42,476/-	11.07.2016	9,51,076/-	13,802/-
9.	1151/2021	21,87,230/-	22.06.2016	9,83,815/-	14,149/-
10.	1155/2021	21,20,338/-	01.07.2016	10,34,687/-	14,944/-
11.	1324/2021	22,62,025/-	26.06.2016	10,24,121/-	14,728/-
12.	1381/2021	16,18,857/-	28.08.2016	6,77,523/-	9,474/-
13.	1382/2021	22,85,030/-	17.07.2016	11,14,528/-	16,220/-
14.	1412/2021	23,25,801/-	10.06.2016	10,65,911/-	15,329/-

The respondent shall pay the above stated upfront interest and monthly interest to the complainants within the period of 90 days as provided in Rule 16 of the RERA Rules, 2017.”

5. On the other hand, no objection has been filed by respondent promoter in any of captioned complaint cases.
6. On perusal of record file, it is revealed that **there exist mere typographical error in complaint case no. 1067 of 2021 only, wherein upfront delay interest is written as Rs. 10,14,179/-, whereas it should be Rs. 10,14,791/-.** However, **there exist no error as to calculation of interest in any of the captioned complaint cases.** All calculations are made after

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deducting the amount of EDC/IDC paid by complainants from total amount paid by complainants.

7. Therefore, Authority in exercise of its power u/s 39 of the RERA Act, 2016 allow the rectification of Para no.12 of order passed by Authority dated 07.04.2022 to the extent of amount of upfront delay interest only in complaint case no. 1067 of 2021. Section-39 of the RERA Act, 2016 is reproduced as under-

“Section 39 - Rectification of orders - The Authority may, at any time within a period of two years from the date of the order made under this Act, with a view to rectifying any mistake apparent from the record, amend any order passed by it, and shall make such amendment, if the mistake is brought to its notice by the parties:

Provided that no such amendment shall be made in respect of any order against which an appeal has been preferred under this Act:

Provided further that the Authority shall not, while rectifying any mistake apparent from record, amend substantive part of its order passed under the provisions of this Act.”

8. Therefore, in view of inadvertent errors apparent on record, order dated 07.04.2022 stand rectified to the extent of amount of upfront delay interest in complaint case no. 1067 of 2021 in Para no. 12 only, and is to be read as under

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possession of booked apartments shall be delivered by respondent-promoter to the allottees whenever they complete the project and obtain occupation certificate from authorities concerned. However, since inordinate delay has already been caused, respondent-promoters are ordered to pay upfront interest to all the allottees as per provisions of Section 18 of the RERA Act, 2016 and Rule 15 of RERA Rules, 2017. The upfront interest is being calculated from the due date of offering possession upto the date of passing this order i.e. 07.04.2022. Allottees would be further entitled to monthly interest for each month of further delay caused. Upfront interest and monthly interest payable to each complainant is shown in the table below:-

Sr. No.	COMPLAINT NO.	AMOUNT PAID BY THE COMPLAINANT (In Rs.)	DEEMED DATE OF POSSESSION	UPFRONT DELAY INTEREST CALCULATED BY AUTHORITY TILL 07.04.2022 AFTER DEDUCTION OF EDC/IDC (In Rs.)	FURTHER MONTHLY INTEREST (In Rs.)
1.	828/2021	12,59,764/-	25.07.2017	5,51,124/-	9,763/-
2.	1035/2021	25,01,054/-	27.01.2017	11,15,434/-	17,894/-
3.	1066/2021	22,55,193/-	24.06.2016	12,14,153/-	14,478/-
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The respondent shall pay the above stated upfront interest and monthly interest to the complainants within the period of 90 days as provided in Rule 16 of the RERA Rules, 2017.”

9. **Disposed of.** Files be consigned to record room of Authority after uploading of this order on website of Authority.

Geeta Rathee

DR. GEETA RATHEE SINGH
[MEMBER]

Nadim Akhtar

NADIM AKHTAR
[MEMBER]