



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

PROCEEDINGS OF THE DAY

Day and Date	Thursday and 19.01.2023
Complaint No.	E/4332/2021/3661/2020 Case titled Dharmesh Meena Vs SS Group Private Limited
Complainant	Dharmesh Meena
Represented through	Ms Anjali Chauhan Adv alongwith person
Respondent	SS Group Private Limited
Respondent Represented through	Mr Dhruv Dutt Sharma Adv
Last date of hearing	
Proceeding Recorded by	Jyoti Malik

Proceedings

Heard, on an objection filed by JD. Through order under execution, the respondent/JD was directed to pay interest at the prescribed rate i.e. 9.30% per annum for every month of delay on the amount paid by the complainant, from due date of possession i.e. 11.11.2015, till expiry of two months from the date of offer of possession i.e. 07.03.2020, which comes out to be 07.05.2020. The arrear of interest was to be paid within 90 days from the date of order.

According to calculation made by DH, an amount of Rs. 20,08,103/- was due as on 05.09.2022. Learned counsel for JD objected the calculation stating that no interest could have been calculated on the amount. Learned counsel relied upon a cases titled **as State of Punjab and others Vs. Krishan Dayal Sharma, 1990 AIR (Supreme Court) 2177, State of Punjab Vs. Somnath, 1993(1) S.C.T. 78, Central Bank of India Vs. M/s Ved Prakash Krishan Kumar, 1995 ISJ (Banking) 614 and Abdulla S/o Bathumi (Deceased) Vs Smt. Shyama Devi 2007 (4) All. LJ 794.**

An Authority constituted under section 20 the Real Estate (Regulation and Development) Act, 2016
Act No. 16 of 2016 Passed by the Parliament

भू-संपदा (विनियमन और विकास) अधिनियम, 2016 की धारा 20 के अर्तगत गठित प्राधिकरण
भारत की संसद द्वारा पारित 2016 का अधिनियम संख्यांक 16



HARERA
GURUGRAM

HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

New PWD Rest House, Civil Lines, Gurugram, Haryana

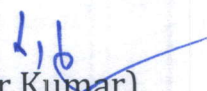
नया पी.डब्ल्यू.डी. विश्राम गृह, सिविल लाईंस, गुरुग्राम, हरियाणा

As mentioned above, respondent/JD was directed to pay the amount of interest within 90 days of order. Admittedly, no such amount has not been paid ^{file now} what to say of 90 days, ~~even till now~~. In such a circumstance, DH is entitled to interest on the amount due, till the date of realization. Objections filed by JD are thus dismissed.

As mentioned above, an amount of Rs. 20,08,103/- was recoverable from JD as on 05.09.2022,

This is a petition seeking execution of order passed by the Authority, in favour of DH/complainant. The authority through an order/resolution dated on 16.03.2022 delegated its powers to this forum to execute its orders. As per judgment of 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, in execution 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.

Be put up before the Authority on 07.02.2023 for recovering certificate.


(Rajender Kumar)
Adjudicating Officer
19.01.2023