



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 236 OF 2022

Shaveta Arora

....COMPLAINANTS(S)

VERSUS

BPTP Ltd

....RESPONDENT(S)

CORAM: Dr. Geeta Rathee Singh
Nadim Akhtar

Member
Member

Date of Hearing: 17.01.2023

Hearing: 4TH

Present: Mr. Mukesh Singh Tomar, Counsel for complainant through VC.
Mr. Hemant Saini, Counsel for the Respondent.

ORDER: (NADIM AKHTAR-MEMBER)

1. Captioned complaint was disposed of by the Authority vide order dated 17.08.2022 allowing possession with upfront delay interest of Rs 15,44,700/- alongwith monthly interest of Rs 18,441/-. Said order was passed for bunch of 5 complaints and interest part is depicted in para 7 (x) of it. Said paragraph is reproduced below for reference:-

| Sr. no. | Complaint no. | Total amount paid by complainant - Amount of Taxes (in Rs) | Final amount for calculation of interest (in Rs) | Deemed date of possession | Upfront delay interest calculated upto 17.08.2022 (in Rs) | Further monthly interest (in Rs) |
|---------|---------------|--|--|---------------------------|---|----------------------------------|
| 1. | 219/2022 | 22,14,068.91- 1,61,929.84 | 20,52,139.07 | 28.02.2016 | 13,28,510 | 17,429 |
| 2. | 236/2022 | 24,34,625.27- 2,63,403.63 | 21,71,221.64 | 20.02.2013 | 15,44,700 | 18,441 |
| 3. | 241/2022 | 25,28,610.68- 2,65,100.78 | 22,63,509.9 | 21.03.2013 | 21,31,420 | 19,224 |
| 4. | 245/2022 | 22,66,461.83- 2,84,933.68 | 19,81,528.15 | 27.02.2013 | 18,77,837 | 16,829 |
| 5. | 256/2022 | 23,50,565.83- 2,62,026.56 | 20,88,539.27 | 22.03.2013 | 19,66,088 | 17,738 |

2. Complainant has filed an application under Section 39 of RERA Act, 2016 on 03.11.2022 in registry seeking rectification of amount of interest calculated stating that amount of upfront delay interest and monthly interest has been wrongly calculated. In support he has relied upon the fact that in complaint no. 241/2022 which is also the part of aforementioned calculations (serial no. 3 of table), the final amount taken for calculations of delay interest is Rs 22,63,509.09, which is very close to the final amount taken for calculations in complaint no.

236/2022 which is Rs 21,71,221.64/- but the amount of upfront delay interest has difference of around 5 lakhs.

3. On perusal of record, it is found that the calculations are correct. Difference in amount of interest is for the reason that in complaint no. 241/2022 the whole of amount was paid by complainant before the deemed date of possession whereas in complaint no. 236/2022 the amount of 6 lakhs out of total amount was paid after deemed date of possession. Thus, whole amount was paid in two instalments and interest has been calculated accordingly.
4. Since there is no error in the calculations of interest, the application filed by complainant under Section 39 of RERA Act,2016 is rejected.
5. Case is **disposed of**. File be consigned to record room.



DR. GEETA RATHEE SINGH
[MEMBER]



NADIM AKHTAR
[MEMBER]