



## HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

### COMPLAINT NO. 2003 OF 2019

Col. Rajeev Singh Chauhan

.....COMPLAINANT

VERSUS

M/s DLF Homes and others.

....RESPONDENT

CORAM: **Dr. Geeta Rathee Singh** Member

**Nadim Akhtar** Member

Date of Hearing: 02.03.2023

Hearing: 14th

Present : - None for the complainant.

Mrs. Rupali Verma, Id. counsel for the respondents through VC.

### ORDER (NADIM AKHTAR - MEMBER)

Present rectification application has been filed under section 39 of RERA Act, 2016 by the respondents against order dated 24.08.2021 wherein the Authority had directed the respondent to handover the possession of the unit and pay delay interest of Rs. 9,74,762/- to the complainant from 01.03.2014 to 26.10.2016. Respondents in their application have stated that Authority had directed respondents to pay delay interest of Rs. 9,74,762/-, however, the

interest calculated is not correct and claimed that respondents are liable to pay only Rs. 7,10,419.97/-.

2. Authority for clarity on calculations had directed the Chartered Accountant of the Authority to file a report mentioning whether the claim of the respondents is correct or not. In compliance of the same, CA filed a report in the Authority. Relevant part of the report is reproduced below:

*2. On perusal of the record of the above mentioned case, it is submitted that delay interest of Rs.9,74,762/- (Rs. Nine lacs seventy four thousand seven hundred and sixty two only) for delay caused in handing over the possession from 01.03.2014 till 26.10.2016 was calculated on the amount of Rs. 39,43,999 @ 9.30% (7.30% as on 24.08.2021 plus 2%) as per documents provided/submitted by the complainant till the date of decision i.e. 24.08.2021 which accordingly deems to be correct as determined by the Authority.*

*The above amount was calculated as follows:*

$$3943999 * 9.30\% * 970/365 = 9,74,762$$

*3. However, the respondent promoter filed a rectification application dated 14.10.2021 and along with this rectification application receipts amounting to Rs.49,55,680/- have been attached thereto. If this amount as submitted by the respondent is considered at the interest rate of 9.30% (interest rate of 7.30% prevalent on the date of passing of order dated. 24.08.2021 plus 2%) then same comes out to be Rs.12,24,800/- (Rs. twelve lacs twenty four thousand seven hundred eight hundred only).*

3. Based upon the findings of the CA report it is revealed that the calculations mentioned in the order of the Authority dated 24.08.2021 were based on the documents available in record at the time of passing of the orders and are found to be correct and does not require any





modification/rectification/correction. Delay interest payable by respondent is Rs. 9,74,762/- from 01.03.2014 to 26.10.2016.

4. Finding no error apparent on record, application for rectification of order dated 24.08.2021 is **dismissed and disposed of**. Files be consigned to record room after uploading of order on the website of the Authority.



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**DR. GEETA RATHEE SINGH**  
**(MEMBER)**



.....  
**NADIM AKHTAR**  
**(MEMBER)**