



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 11 OF 2021 (Rectification application U/S 39)

Kashmiri Lal Narang

....COMPLAINANT(S)

VERSUS

Parsvnath Developers Ltd.

....RESPONDENT(S)

CORAM:

**Dr. Geeta Rathee Singh
Nadim Akhtar**

**Member
Member**

Date of Hearing: 22.03.2023

Hearing: 9th (re-opened)

Present: -

Mr. Rajan Hans, counsel for the complainant through
video conference

Ms. Rupali S. Verma, counsel for the respondent

ORDER (Dr. GEETA RATHEE SINGH - MEMBER)

1. Captioned complaint was disposed of by the Authority vide order dated 13.10.2021, granting relief of upfront delay interest on the amount paid by complainant towards basic cost from deemed date of

Dr. Geeta Rathee

possession and also future interest for every month of delay occurring thereafter till the handing over of possession. Relevant part of order dated 13.10.2021 is reproduced below for reference:

“7. Authority has got admissible delay interest calculated from its Account branch. The interest is calculated on the amounts paid by the complainants minus External Development Charges (EDC) and Internal Development Charges (IDC). The amount of EDC/IDC, is collected by the promoter for payment to the department/authorities entitled to receive it for carrying their statutory obligations. If a builder does not pass on this amount to the concerned departments, then interest becomes payable to the department or authority concerned and the defaulting builder in such eventuality will himself be liable to bear the burden of interest. A builder is, therefore, not liable to pay delay interest to the allottee on the amount which has been collected for passing over to other department/authorities concerned. The details of amounts paid by the complainants and delay interest calculated on said amounts are shown in the following table: -

...Complaint No.	Amount paid by complainant towards basic cost excluding EDC	Basic Price	Sale	Upfront delay interest calculated by Authority till 13.10.2021	Further monthly interest
.....11/2021	₹11,30,000/-	₹10,59,000/-		₹7,10,869/-	₹8,758/-

8. Respondent is accordingly directed to pay upfront amount as shown in above table within 90 days of uploading of this order on the website of the Authority. Respondent's liability for paying monthly interest as shown in above table will commence w.e.f. 14.11.2021 and it shall be paid on monthly basis till valid offer of possession is made to complainants.

9. In above terms, cases are **disposed of**. Files be consigned to record room and order be uploaded on the website of the Authority.

2. Thereafter, complainant filed an application on 17.11.2022 for rectification of order dated 13.10.2021 and restoration of case on the ground that counsel for the complainant was not present on the date of hearing i.e. 13.10.2021 due to some personal difficulty and Authority has passed a common order along with various other matters without hearing the complainant. Further, it has been stated that till date complainant has not got actual legal possession of the plot and as per their understanding no plot exists in the area in which plot was originally allocated to complainant. Also, few other issues pertaining to this matter remained to be discussed before this Authority. Therefore, it has been prayed that matter be reopened and decided after hearing the complainant.
3. Upon perusal of the case file and application filed by the complainant, it is revealed that complainant in his main complaint had sought only one relief that respondent may be directed to give possession of the plot with statutory interest. On 13.10.2021, Authority disposed of the present case with bunch of other complaints with lead case no. 865 of 2020, as grievances involved were similar and directed against the same project of respondent with direction to respondent to pay upfront interest to the complainants along with monthly interest till valid offer of possession is made to the complainants. Hence, the relief sought by

the present complainant was duly addressed and there was no other issue pending which needed adjudication.

The complainant has now filed an application for rectification of order dated 13.10.2021 stating that till date complainant has not got actual legal possession of the plot and few other issues pertaining to this matter are remaining discussion before this Authority. However, no specific mention has been made in his application as to what issues need to be discussed. Further, no issues can be discussed after final adjudication of the matter by way of rectification application as the same does not pertain to the error on the face of the record. Furthermore, since the complaint was not dismissed in default and relief sought has been granted to the complainant in his absence, the prayer for rectification of order cannot be acceded to and the same is declined. Hence, application for rectification filed by complainant is **dismissed**. Complainant is at liberty to avail other remedies available as per law.



.....
NADIM AKHTAR
[MEMBER]



.....
Dr. GEETA RATHEE SINGH
[MEMBER]