



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 251 OF 2020

Premit Chand Jain

....COMPLAINANT(S)

VERSUS

Puri Constructions Pvt. Ltd.

....RESPONDENT(S)

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

Nadim Akhtar Member

Date of Hearing: 15.03.2023

Hearing: 9th

Present :- Ms. Stuti, Id. counsel for the complainant through VC.

None for the complainant.

ORDER (NADIM AKHTAR - MEMBER)

A rectification application dated 2.01.2023 was received in the office of the Authority. Complainant has submitted that the case was disposed of vide order dated 29.11.2022, wherein relief of refund was allowed to the complainant. However it was not specifically mentioned that refund is allowed with interest. Complainant has prayed to incorporate the same in order.

9.8

2. Authority observes that the relief of refund was allowed in favour of the complainant under section 18 of the RERA Act, 2016. Section 18 of RERA Act, 2016, provides that the promoter shall be liable on demand to the allottees to return the amount received by him in respect of the apartment, plot, building, as such as the case may be, with interest at such rate of interest as may be prescribed. Therefore, section 18, itself provides that if the allottee has not been given possession as per agreement for sale and wishes to withdraw from the real estate project in that case he shall be liable for the entire paid amount along with interest.

Under section 18 it is the statutory right of the allottee to get interest on the amount paid on account of non-fulfillment of obligation within the stipulated time.

3. In complaint case no. 251 of 2020, vide its final order dated 29.11.2022, had confirmed its tentative view taken vide order dated 29.06.2022 and disposed off the matter. However, in its interim order dated 29.06.2022 at the para 7, Authority has given the view that the complainant is entitled to refund of his respective payments and prayer of refund without deducting earnest shall be allowed. Vide this interim order, Authority express its intention that it is a fit case for refund under section 18 and refund for entire amount paid by the complainant. Since, the Authority allows refund in terms of section 18, the complainant is also entitled to the interest on that amount.



4. The interest part is actually the remedy component along with the refund of the principal amount paid. Further vide order dated 29.11.2022, the Authority while conforming its tentative view allowed the prayer of refund. Though there is no explicit mention of the word “interest” in the order, however the relief of refund along with interest is provided by the statute itself. Therefore, apparently it appears to be clerical omission and the Authority in exercise of its mandate under section 39 deems it appropriate to rectify this clerical omission and directs that prayer of refund is allowed along with permissible interest as per Rule 15 of HRERA Rules, 2017. Authority has got the interest calculated from its account branch and the same is given below in the table.

Principal Amount (in Rs.)	Interest @10.60% till 08.02.2023 (in Rs.)	Total amount to be refunded (in Rs.)
Rs. 5,32,950/-	Rs. 3,43,505/-	Rs. 8,76,455/-

5. Case is **disposed of**. Files to consigned to record room after uploading of order on website of the Authority.

Geeta Rathee

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Dr. GEETA RATHEE SINGH
[MEMBER]

Nadim Akhtar

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NADIM AKHTAR
[MEMBER]