



Complaint No. 823 of 2019

**HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA**

Website: www.haryanarera.gov.in

**COMPLAINT NO. 823 OF 2019**

Mr. Narinder Singh & Mrs. Paramjeet Kaur

...COMPLAINANTS

VERSUS

M/S TDI Infrastructure Ltd.

....RESPONDENT

**CORAM: Anil Kumar Panwar  
Dilbag Singh Sihag**

**Member  
Member**

**Date of Hearing: 28.08.2019**

**Hearing: 3<sup>rd</sup>**

**Present: - Ms. Priyanka, Counsel for complainants.**

Mr. Shubhnit Hans, Counsel for respondent.

**ORDER** ( ANIL KUMAR PANWAR- MEMBER)

1. Complainants herein have jointly booked a shop on 21.05.2006 in a commercial project named "TDI Park Street Mall" situated in Sector-19, Sonapat. Said project was launched by respondent and respondent had allotted shop No. GF-72 measuring 447.74 sq. fts. in the project to the complainants on 21.02.2007. Sale consideration was fixed at Rs. 21,26,765/- and the complainants have averred that they have already paid a sum of Rs. 17,21,314/- till the year 2014. As per Article 4 of the Agreement, the respondent was liable to handover the possession of the shop within twenty four months from the date of sanctioning of the building plan. In the account statement annexed by the respondent, the date of excavation is shown 10.03.2007, which would imply that the building plans were sanctioned before that. Thus, the shop after addition of grace period was to be handed over to the complainants by September, 2009. However, the respondent has not yet offered him possession of the shop, therefore, the complainants are entitled to get actual possession of the shop along with compensation for delay. The complainants had opted for 'Construction Link Payment Plan'. The complainants had sent their objections to delay in possession vide letter dated 09.08.2010 and email dated 08.04.2014 but respondent did not respond.

2. The respondent has not disputed the booking and allotment of shop but has asserted that the complainants have yet to deposit remaining



amount as per the account statement annexed by him. As regards the status of the project, respondent's plea is that he has already applied for Occupation Certificate vide letter dated 28.07.2017. The respondent further states that although the project is 80 % complete but as projected in the application for registration of the project he intends to complete the project by 2021. The respondent states that an endeavor shall be made by him to complete the unit in question at the earliest.

3. In the circumstances, when the project is being completed and the possession is likely to be offered and the complainants have specifically sought possession of the shop, the respondent is directed to handover the possession of the shop after obtaining Occupation Certificate. He shall also pay interest to the complainants on the already deposited amount due to delay in delivery of possession.

This Authority has disposed of a bunch of petitions with the lead case complaint No.113 of 2018 titled Madhu Sareen V/S BPTP Ltd. There was consensus on all the issues except on the issue of delayed delivery of possession. Further logic in this regard was given by the dissenting member in complaint case No.49 of 2018, Parkash Chand Arohi V/S Pivotal Infrastructures Pvt. Ltd. It is hereby ordered that the majority ratio of the said judgements will be fully applicable in this case for determining the quantum of interest/compensation for delayed delivery of possession, subject to any



modification made therein by the Hon'ble Appellate Tribunal or some other higher authority.

Accordingly, the respondent is directed to issue a fresh statement of accounts to the complainants after recalculating the amounts payable by the complainants in accordance with the principles laid down in the complaint No.113 of 2018. Further, the interest/compensation payable to the complainants on account of delayed delivery of possession shall also be shown in the statement of accounts and the net payable /receive-able shall be clearly written after accounting for the same. The statement shall be issued by the respondent within a period of 45 days and he shall also periodically apprise the complainants of the stage of construction of the project.

Disposed of accordingly. The file be consigned to the record room and the orders be uploaded on the website of the Authority.



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**ANIL KUMAR PANWAR**  
[MEMBER]



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**DILBAG SINGH SIHAG**  
[MEMBER]