

**BEFORE THE HARYANA REAL ESTATE APPELLATE
TRIBUNAL**

**Appeal No.505 of 2022
Date of Decision: 22.09.2023**

M/s SS Group Private Limited, Plot No. 77, Sector-44, Gurugram-122003.

Appellant

Versus

1. Ajay Wahi
2. Monica Wahi

Both resident of R/o B-2/30, Safdarjung Enclave, Safdarjung, New Delhi-110029.

Respondents

CORAM:

Justice Rajan Gupta	Chairman
Shri Anil Kumar Gupta,	Member (Technical)

Present: Mr. Aashish Chopra, Sr. Advocate, assisted by Mr. Yashpal Sharma, Advocate, for the appellant.

Mr. Venket Rao, Advocate, along with Mr. Yashvir Singh Balhara, Advocate, for the respondents.

ORDER:

RAJAN GUPTA, CHAIRMAN (ORAL):

Complainants (Respondents herein) booked an apartment in the project namely "The Coralwood & Almeria", Sector 84, Gurugram. Respondents were allotted an apartment measuring 1425 sq. ft therein. Admittedly, possession of the unit was handed over to the respondent-allottees on 30.01.2020 and conveyance deed was also executed in their favour on 25.05.2021. After taking possession on 30.01.2020, the complainants approached the Haryana Real Estate Regulatory Authority at Gurugram (hereinafter called as 'the

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Authority') in the month of October, 2020 seeking certain reliefs. They complained that there had been delay in handing over of possession after the due date of delivery. Thus, they were entitled to delay possession charges. They also prayed for direction to the promoter to execute the conveyance deed (which was executed during the pendency of the complaint by the promoter). The respondent-promoter (appellant herein) rebutted the claim raised by the complainants. He brought to the notice of the Authority that for the delay possession charges, the complainants had accepted Rs.5/- per sq. ft. as compensation. He, thus, prayed for dismissal of the complaint. The Authority considered all the issues and allowed the complaint with the directions to the respondent to pay interests at the rate of 9.30% p.a. for every month of delay from the due date of possession i.e. 27.09.2016 till the date of handing over thereof i.e. 30.01.2020 plus another two months as per the Act. The complainant was also directed to pay outstanding dues, if any, after adjustment of the interest for the delay period. The complainant was also directed to pay interest on the outstanding amount, if any.

2. Aggrieved with the aforesaid order, appellant-promoter has filed the instant appeal and raised various pleas.

3. During the course of arguments, it was proposed by this Tribunal whether the matter can be amicably settled between the parties. Mr. Chopra, has sought instructions from the promoter and submits that a lump sum amount of

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Rs.17,00,000/- can be remitted to the respondent-allottees in lieu of all of his claims including delay possession charges.

4. This proposal is acceptable to Mr. Venket Rao, learned counsel representing for the respondents. Mr. Ajay Wahi, one of the respondents, who is present in Court, has made a statement in this regard, same is taken on record as Mark-‘A’.

5. In view of this settlement, we do not deem it fit to delve into the legal issue involved. The appeal is disposed of in terms of this settlement. Needless to observe this would amount to full and final settlement of the issues and the order passed on the basis of aforesaid settlement would not be treated as a precedent.

6. The appellant-promoter has deposited an amount of Rs.29,59,247/- in view of proviso to Section 43(5) of the Real Estate (Regulation and Development) Act, 2016. Same be sent to the learned Authority along with interest accrued thereon for disbursement of the same to the appellant-promoter and respondent-allottees. Out of Rs.29,59,247/-, an amount of Rs.17,00,000/- be disbursed to the respondent-allottees and rest of the amount be disbursed to the appellant-promoter, subject to tax liability, if any, as per law.

7. Needless to observe that in view of the settlement, order passed by the Authority will be inoperative within the parties inter se. It shall, however, have no bearing on other cases, if any, pending before the Authority below.

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8. Copy of this order be sent to learned counsel for the parties/parties as well as the Authority, Gurugram.
9. File be consigned to the record.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

Anil Kumar Gupta
Member (Technical)

22.09.2023
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