

<b>PROCEEDINGS OF THE DAY</b>		<b>13</b>
Day and Date	Tuesday and 02.01.2024	
Complaint No.	MA No. 347/2023 in CR/5004/2020 Case titled as Dharmender Sharma & Anr. VS BPTP Limited	
Complainant	Dharmender Sharma & Anr.	
Represented through	Shri Rishabh Jain Advocate	
Respondent	BPTP Limited	
Respondent Represented	Shri Harshit Batra Advocate	
Last date of hearing	05.12.2023	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

### Proceedings

The present matter was disposed off on 24.03.2022 directing the respondent to :

- I. Pay interest at the prescribed rate of 9.30% p.a for every month of delay from the due date of possession i.e 16.11.2016 till offer of possession after obtaining occupation certificate from the competent authority plus two months i.e 07.11.2020 plus two months i.e 07.01.2021 or handing over of possession whichever is earlier as per the provisions of section 19(10) of the Act.
- II. The arrears of such interest accrued from 16.11.2016 till date of this order shall be paid by the promoter to the allottees within a period of 90 days from date of this order and interest for every month of delay shall be payable by the promoter to the allottees.
- III. The complainants are directed to pay outstanding dues, if any, after adjustment of interest for the delayed period and takeover the possession.
- IV. The rate of interest chargeable from the allottees by the promoter, in case of default shall be charged at the prescribed rate i.e., 9.30% by the respondent/promoter which is the same rate of interest which the promoter shall be liable to pay the allottees, in case of



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HARYANA REAL ESTATE REGULATORY AUTHORITY  
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हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम,  
MANA-5471/2023/CR/5009/2020

New PWD Rest House, Civil Lines, Gurugram, Haryana

नया पी. डब्ल्यू. डी. विश्राम गृह, सिविल लाईंस, गुरुग्राम, हरियाणा

default i.e., the delayed possession charges as per section 2(zd) of the Act.

V. The respondent shall not charge anything from the complainants which is not the part of the agreement. However, holding charges shall also not be charged by the promoter at any point of time even after being part of agreement as per law settled by the Hon'ble Supreme Court in civil appeal no. 3864-3889/2020 dated 14.12.2020.

The complainant has filed an application under section 17 of the Act praying the respondent to execute the conveyance deed. The complainant also stated that the complainant filed an execution no. 4771 of 2022 for the compliance of the order dated 24.03.2022. Thereafter the complainant has paid the balance amount of Rs. 21,61,600/-. On 11.01.2023 the respondent has issued NOC for giving the possession for carrying out fit outs and in April 2023 the respondent handed over the possession of the unit.

The counsel for the respondent states that the present application is liable to be dismissed as the same has not been filed under any relevant provision of the Act, 2016. However, he assures that the respondent shall execute the conveyance deed with the complainants within a period of 60 days as the requisite stamp duty/registration fee has already been paid by the complainants. Ordered accordingly.

Application stands disposed off. File be consigned to the registry.

Ashok Sangwan  
Member

Vijay Kumar Goyal  
Member

Arun Kumar  
Chairman  
02.01.2024