



**HARERA**  
**GURUGRAM**

**HARYANA REAL ESTATE REGULATORY AUTHORITY**  
**GURUGRAM**

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

<b>PROCEEDINGS OF THE DAY</b>		<b>23</b>
Day and Date	Friday and 01.03.2024	
Complaint No.	MA NO. 40/2024 in CR/4370/2021 Case titled as Ajay Kumar and Vinay Kumar VS Jubilant Malls Pvt Ltd	
Complainant	Ajay Kumar and Vinay Kumar	
Represented through	Shri Pankaj Yadav, Advocate	
Respondent	Jubilant Malls Pvt Ltd	
Respondent Represented through	None	
Last date of hearing	Rectification application	
Proceeding Recorded by	H.R.MEHTA	

### **Proceedings-cum-orders**

The applicants/complainants vide application dated 19.01.2024 have requested for rectification of order dated 22.09.2023 in the above captioned complaint which was disposed of by the authority.

Application dated 19.01.2024 has been filed by the counsel of the complainant w.r.t. correction of the following: -

<b>S.No.</b>	<b>Existing details on in detailed order dated 22.09.2023</b>	<b>Correction asked</b>
1.	The complainant is entitled to delayed possession charges as per the proviso of section 18(1) of the Real Estate (Regulation and Development) act, 2016 at the prescribed rate of interest i.e., 10.75%p.a. for every month	The complainant asked for the correction that the due date of possession shall be calculated at 12 months from due date of possession instead of 30months as the clause 5.1 of the BBA dated 25.09.2017 states that the due



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MA No - 40/2024 in CR/4510/2021

New PWD Rest House, Civil Lines, Gurugram, Haryana

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	<p>of delay on the amount paid by him to the respondent from due date of possession i.e., 25.09.2020 till the offer of possession of unit plus two months i.e., till 20.10.2022 at prescribed rate i.e., 10.75% p.a. as per proviso to section 18(1) of the Act read with rule 15 of the rules.</p> <p>(At point 6 &amp; 7 in the table annexed with para 2, para 17, para 20 and point a of para 23)</p>	<p>date of possession is within 12 months from the date of agreement and not 30 months accordingly the due date of possession shall be treated as 25.09.2018 plus 6 months grace period which comes out to be 25.03.2019.</p>
2.	<p>Point 9 in the table annexed with para 2 and para 17 of the order i.e., amount paid- ₹57,08,677/-</p>	<p>The complainant asked for the correction that the amount paid is ₹84,96,238/- and not ₹57,08,677/- as the complainant has paid an amount of ₹27,87,921/- on 17.11.2022 i.e., after filing of complaint via RTGS .</p>
3.	<p>There is no direction w.r.t. the handover of the possession of the unit whereas, the said direction was already given by the authority vide proceedings dated 22.09.2023 to the respondent to handover the possession of the said unit within 90 days after settlement of account with the complainant.</p>	<p>The said direction shall be read in addition to the directions by the authority in para 23 of the order.</p>



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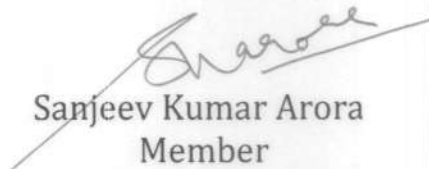
MANo-40/2024 HC/1370/24

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The aforesaid errors were inadvertently committed while preparing the order dated 22.09.2023 and the aforesaid errors being typographical, apparent from the record and clerical in nature, the rectification in order dated 22.09.2023 is allowed under section 39 read with section 38(2) of the Act.

In view of the above, application is allowed. This order shall be part of the final order dated 22.9.2023.

  
Sanjeev Kumar Arora  
Member  
01.03.2024