



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

PROCEEDINGS OF THE DAY		10
Day and Date	Tuesday and 05.03.2024	
Complaint No.	MA NO. 28/2024 in CR/5362/2019 Case titled as Sanjeet Kumar VS BPTP Limited	
Complainant	Sanjeet Kumar	
Represented through	Shri Gaurav Rawat, Advocate	
Respondent	BPTP Limited	
Respondent Represented through	Ms Tanya, Advocate	
Last date of hearing	Rectification application	
Proceeding Recorded by	H.R.MEHTA	

Proceedings

The present matter was disposed off on 12.04.2022 directing the respondent to pay interest at the prescribed rate of 9.30% p.a for every month of delay from the due date of possession as has been mentioned in para 3 of this order till offer of possession plus two months or the date of actual handing over of possession of the subject flat to the complainants whichever is earlier as per the provisions of section 19(10) of the Act and other reliefs as per the committee report .

Now the complainant has filed an application under section 39 of the Act praying the respondent to issue specific directions to immediately handover the possession of the unit in question, not to impose holding charges on the complainant, and quash the illegal charges on advance maintenance charges .

The complainant is seeking direction of possession which could not be given while disposing of the matter and the same is allowed as per Section 17 of the Act of 2016 , as it is the duty of the promoter to handover the physical possession of the plot , apartment or building as the case may be, to the allottees . Whereas holding charges are concerned the same cannot be dealt at this stage, which otherwise are not levyable as per orders of Hon'ble Supreme Court of India. No direction regarding interest on maintenance charges.



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MANA-28/2024/17 CA/5362/2019

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

In the view of the same the application stands disposed off. File be consigned to the registry.


Vijay Kumar Goyal
Member


Arun Kumar
Chairman
05.03.2024