



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

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Day and Date	Tuesday and 23.07.2024
Complaint No.	MA NO. 315/2024 in CR/845/2020 Case titled as Harsharan Singh VS Ramprastha Promoter & Developers Private Limited
Complainant	Harsharan Singh
Represented through	Shri Nilotpal Shyam Advocate
Respondent	Ramprastha Promoter & Developers Private Limited
Respondent Represented	None
Last date of hearing	Application for rectification
Proceeding Recorded by	Naresh Kumari and HR Mehta

Proceedings-cum-order

The aforesaid complaint was disposed of vide order dated 29.01.2021 by the authority after recording the statement of both the parties on oath that they have entered in settlement agreement dated 05.01.2021.

On 03.11.2023, a revival application was filed by the complainant. The said application was disposed of by this Authority vide order dated 02.01.2024 with the following directions:

"However, if terms of the settlement are not adhered by the respondent, the complainant may file an application for execution of the order of the Authority before Adjudicating officer as the case was disposed off in terms of the settlement."

Thereafter, execution was filed before the court of Adjudicating officer. Vide order dated 16.04.2024, the court of Adjudicating officer noted that **"the direction qua delayed possession interest cannot be executed in terms of the settlement agreement as the said clause is very vague and the same not clarified by the authority"**.

The relevant para (e) of the settlement agreement is reproduced below:

"e) That the possession of the flat/unit will be given by 31.12.2021 and if delayed beyond, the company will give penalty as per HRERA."

An Authority constituted under section 20 the Real Estate (Regulation and Development) Act, 2016
भू-संपदा (विनियमन और विकास) अधिनियम, 2016 की धारा 20 के अर्तगत गठित प्राधिकरण



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हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम
MANO 315/24 in CR/845/2020

New PWD Rest House, Civil Lines, Gurugram, Haryana

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


Now, the complainant seeks clarification regarding the clause (e) specifically the word "penalty".


On perusal of the above clause, it is clear that the word "penalty" in clause (e) refers to delayed possession charges under section 18 of the RERA Act, 2016.
Ordered accordingly.

This order be read with and in continuation of order dated 29.01.2021 passed by the Authority.

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


Ashok Sangwan
Member


Vijay Kumar Goyal
Member


Arun Kumar
Chairman
23.07.2024