

BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL

Date of Decision: 24.10.2024
Appeal No.149 of 2023

1. Patanjali Bedi;
2. Manju Bedi

Both residents of House No. 237, Sector 14, Urban Estate,
Karnal, Haryana.

...Appellants

Versus

TDI Infrastructure Pvt.Ltd. Registered office at 10, Shaheed
Bhagat Singh Marg, New Delhi-110001.

...Respondent

Coram: Justice Rajan Gupta
Shri Rakesh Manocha

Chairman
Member (Technical)

Argued by: Mr. Patanjali Bedi,
Appellant no. 1 in person.

Mr. Shubnit Hans, Advocate,
for the respondent-promoter.

ORDER

JUSTICE RAJAN GUPTA, CHAIRMAN

The present appeal is directed against the Order dated
25.11.2022 passed by Adjudicating Officer,. Operative part thereof reads
as under:

*“13.The total compensation comes to Rs.11,96,303/- + Rs.
25,000 + Rs.4,07,000/- = Rs. 16,28,303/- (Rupees Sixteen
Lakh Twenty Eight Thousand Three Hundred and Three
only).*

*14. In these terms, the present complaint is partly allowed.
The respondent is directed to pay amount of Rs.16,28,303/-
(Rupees Sixteen Lakh Twenty Eight Thousand Three
Hundred and Three only) within 90 days to the
complainants. First instalment is to be paid within 45 days
from the date of uploading of this order and remaining
amount within next 45 days.”*

2. Appellant-allottees through the present appeal before this Tribunal have stated that Adjudicating officer has erred in passing the impugned order by awarding very less amount as compensation towards loss due to rented accommodation and litigation charges and further by not granting compensation for travelling to courts, etc. Both parties are also entitled to same interest i.e., @21% per annum instead of merely 6% per annum (as awarded by the Adjudicating Officer).

3. Aggrieved against the aforesaid order, the present appeal has been preferred.

4. During arguments, Mr. Patanjali Bedi, one of the appellants, apprised this Tribunal that no compensation has yet been paid to them by respondent-promoter in compliance of impugned order dated 25.11.2022 and execution proceedings against such order is also pending. Further, execution with respect to order passed by the Authority in complaint no. 608 of 2021 dated 10.08.2022 wherein Authority has allowed the refund of paid up amount along with interest to appellants is also pending before the Adjudicating Officer, Panchkula.

5. These contentions have not been controverted by the learned counsel for the respondent.

6. We have duly considered the aforesaid contentions.

7. Adjudicating Officer has granted the compensation @6% per annum on amount paid by the appellants for causing wrongful loss to appellants and wrongful gain to respondent-promoter by keeping huge paid up amount of appellants for several years without handing over of possession or refunding the same to appellants. Thus, he allowed grant of compensation over and above the interest already allowed by the Authority in complaint no. 608/2022 vide its order dated 10.08.2022. Thus, the contention of appellants that they are entitled to interest i.e., @21% per annum is untenable.

8. However, after taking into consideration the facts of the case, this Tribunal feels that in case, the respondent-promoter has failed to

remit the compensation within 90 days (as directed by the Adjudicating Officer), the appellants should be entitled to interest @ 9% on the paid up amount of Rs.24,18,073/- from the date of order till realisation.

9. Further, this Tribunal is not inclined to grant any further compensation under any other head apart from compensations granted by Adjudicating Officer in impugned order dated 25.11.2022.

10. In view of the above, appeal is partly allowed in the aforesaid terms.

11. Consequently, the impugned order passed by the Adjudicating Officer is modified to the extent that in the eventuality that the respondent-promoter has failed to remit the compensation within 90 days (as directed by the Adjudicating Officer), the appellants would be entitled to interest @ 9% on the paid up amount of Rs.24,18,073/- from the date of order till realisation. Litigation costs of Rs.25,000/- granted by the Adjudicating Officer and also Rs.4,07,000/- granted for accommodation which appellants had to take on rent would be maintained as such.

12. No order to costs.

13. Copy of this detailed order be sent to the parties, Ld. counsel for both the parties and Adjudicating Officer, Haryana Real Estate Regulatory Authority, Panchkula for information.

14. File be consigned to the record.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

Rakesh Manocha
Member (Technical)

Announced
October 24, 2024

Rajni